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No. 49]

NEW DELHI, SATURDAY, DECEMBER 6, 1997/AGRAHAYANA 15, 1919

इस भाग में मिला पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक निकायित तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSION

नई दिल्ली, 21 नवम्बर, 1997

(Department of Personnel & Training)

New Delhi, the 21st November, 1997

कां.आ. 3021.—केन्द्रीय सरकार एतद्वारा बंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री सुभाष भट्टाचार्य, वरिष्ठ लोक अभियोजक, केन्द्रीय अन्वेषण व्यूरो को विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामलों तथा किसी राज्य अथवा संघ राज्य क्षेत्र जिस पर पूर्वोक्त धारा के उपबंध लागू होते हैं, में बिधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

S.O. 3021.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. Subhash Bhattacharya, Senior Public Prosecutor of the Central Bureau of Investigation as Special Public Prosecutor for the conduct of cases instituted by Delhi Special Police Establishment in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law in any State or Union Territory to which the provision of the aforesaid section apply.

[सं. 225/1/97-ए०वी०डी०-II(i)]

हरि सिंह, यवर सचिव

[No. 225/1/97-AVD. II(i)]

HARI SINGH, Under Secy.

नई दिल्ली, 21 नवम्बर, 1997

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE AND CUSTOMS

Coimbatore, the 7th November, 1997

No. 5/97 CUSTOMS (NT)

S.O. 3023.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus. (NT) dated 1st July, 1994 by the Government of India, Ministry of Finance Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I. V. K. Ashtana, Commissioner of Central Excise and Customs, Coimbatore hereby declare Vellakinar Village, Coimbatore Taluk, Coimbatore District State of Tamil Nadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100 per cent Export Oriented Unit, as approved by the Ministry of Industry, Secretariat of Industrial Approval, New Delhi.

[File C. No. VIII/40/15/97-CUS. POL.]
V. K. ASHTANA, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 24 नवम्बर, 1997

का.आ. 3024 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबन्ध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा 3 के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के निदेशक, डा० के०बी०एल० माथुर को आंध्रा बैंक के निदेशक के रूप में नामित करती है।

[एफ सं० 9/3/96-बी०ओ० I]

के०के० मंगल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 24th November, 1997

S.O. 3024.—In exercise of the powers conferred by clause (b) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby nominates Dr. K. B. L. Mathur, Director, Ministry of Finance, Department of Economic Affairs, (Banking Division) New Delhi as a director of Andhra Bank.

[F. No 9/3/96-B.O.I]

K. K. MANGAL, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 17 नवम्बर, 1997

का.आ. 3025 :—नियमित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार 18-5-1997 से प्रभावी और तीन वर्ष

का.आ. 3022 :—केन्द्रीय सरकार एतद्वारा बंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं० 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री मसूद अहमद, लोक अभियोजक, केन्द्रीय अन्वेषण ब्यूरो को विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामलों तथा किसी राज्य अथवा संघ राज्य क्षेत्र जिस पर पूर्वोक्त धारा के उपबंध लागू होते हैं, में विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षाओं अथवा अन्य विषयों का संवाजन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं० 225/1/97-ए०बी०डी०-2]

हरि सिंह, अवर सचिव

New Delhi, the 21st November, 1997

S.O. 3022.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Masood Ahmed Public Prosecutor of the Central Bureau of Investigation as Special Public Prosecutor for the conduct of cases instituted by Delhi Special Police Establishment in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law in any State or Union Territory to which the provision of the aforesaid section apply.

[No. 225/1/97-AVD.II]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

कोयम्बतूर, 7 नवम्बर, 1997

संख्या : 5/97-सीमाशुल्क (एनटी)

का.आ. 3023 :—सीमा शुल्क अधिनियम, 1962 की धारा 152 खण्ड (ए) के अन्तर्गत भारत सरकार, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एन. टी.) के अधीन अधोहस्ताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए, में, वि. कु. अष्टाना, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिळनाडू राज्य, कोयम्बतूर जिला, कोयम्बतूर तालुक के वेल्लकिनार ग्राम को सीमा शुल्क अधिनियम, 1962 की धारा 9 के अन्तर्गत 100% निर्यातमुख्य एकक (इ.ओ.यू.) के गठन के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता है। जैसा कि उद्योग मंत्रालय औद्योगिक अनुमोदन सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[फाइल पत्र सं. VIII/40/15/97-सीमा शुल्क-नीति]

वि. कु. अष्टाना, आयुक्त

की अवधि के लिए मैसर्स 'पेस्ट कंट्रोल केमिकल्स' जो कि 41-1-40, अर. एन. स्ट्रीट, काकीनाडा-533007 पर स्थित है और जिनका रजिस्ट्रीकृत कार्यालय मेन रोड, कन्नवरी थोटा, गुंटूर-522004 में है को तेल रहित चावल की भूसी और हड्डी का चूरा, सींग तथा खुरों के धूम्रिकरण के लिए एक अभिकरण के रूप में काकीनाडा में निर्यात से पूर्व निरीक्षण के लिए निम्नलिखित शर्तों के अधीन रहने हुए मान्यता देती है, अर्थात् :-

- (i) मैसर्स पेस्ट कंट्रोल केमिकल्स निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी धूम्रिकरण पद्धति की जांच के लिए पर्याप्त सुविधाएं प्रदान कराएंगी ताकि तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1963 के उपनियम (4) के अन्तर्गत तथा हड्डी का चूरा, सींग तथा खुरों का (निरीक्षण) नियम, 1977 के नियम 4 के अन्तर्गत धूम्रिकरण का प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स पेस्ट कंट्रोल केमिकल्स इस अधिसूचना के अंतर्गत अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो समय-समय पर निर्देशक (निरीक्षण एवं क्वालिटी नियंत्रण) लिखित में देंगे।
- (iii) मैसर्स पेस्ट कंट्रोल केमिकल्स केवल एल्यूमिनियम फास्फाईड के धूम्रिक के प्रयोग के लिए अधिकृत होंगे।
- (iv) मैसर्स पेस्ट कंट्रोल केमिकल्स श्री एस. ए. गफूर या श्री सी. रामाराव के पर्यवेक्षण में धूम्रिक कराएंगे।

[फाईल सं. 5/28/97-ई आई एंड ई पी]

प्रम दास, निर्देशक

MINISTRY OF COMMERCE

New Delhi, the 17th November, 1997

S.O. 3025.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 18-5-1997, M/s. Pest Control Chemicals located at 41-1-40, R. N. Street, Kakinada-533007 and having their registered office at Main Road, Kannavari Thota, Guntur-522004 as an agency for fumigation of D-oiled Rice Bran and Crushed Bones, Horns and Hooves, prior to export, at Kakinada, subject to following conditions, namely:—

- (i) that M/s. Pest Control Chemicals shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by them in granting the certificate of fumigation under sub-rule (4) of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977;
- (ii) that M/s. Pest Control Chemicals in the performance of their function under the Notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time;

(iii) that M/s. Pest Control Chemicals shall use only Aluminium Phosphide as fumigant;

(iv) that M/s. Pest Control Chemicals shall carry out such fumigation under supervision of either Shri S. A. Gaffur or Shri C. Ramarao,

[F. No. 5/28/97-El&EP]

PRABH DAS, Director

नई दिल्ली, 17 नवम्बर, 1997

क्र.प्र. 3026--निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार 18-5-1997 से प्रभावी और अगले तीन वर्ष की अवधि के लिए मैसर्स पेस्ट माईम (इंडिया) प्रा. लि. जो कि सीमा कुर्ची एगार्टमेंट प्लांट नं. ए-3, विजिावगुना स्ट्रीट, काकीनाडा-533001 में स्थित है और जिनका रजिस्ट्रीकृत कार्यालय जी-2, मुन्दर टावर, टी. जे. रोड, सेवरी (वे) मुंबई-400015 में है को तेल रहित चावल की भूसी और हड्डी का चूरा, सींग तथा खुरों के धूम्रिकरण के लिए एक अभिकरण के रूप में काकीनाडा में निर्यात से पूर्व धूम्रिक के लिए निम्नलिखित शर्तों के अधीन रहने हुए मान्यता प्रदान करती है, अर्थात् :-

- (i) मैसर्स पेस्ट माईम (इंडिया) प्रा. लि. निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी धूम्रिकरण की पद्धति की जांच के लिए पर्याप्त सुविधाएं उपलब्ध कराएंगे ताकि तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) के अन्तर्गत तथा हड्डी का चूरा, सींग तथा खुरों का (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत धूम्रिकरण का प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स पेस्ट माईम (इंडिया) प्रा. लि. इस अधिसूचना के अन्तर्गत अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो समय-समय पर निर्देशक (निरीक्षण एवं क्वालिटी नियंत्रण) लिखित रूप में देंगे।
- (iii) मैसर्स पेस्ट माईम (इंडिया) प्रा. लि. केवल एल्यूमिनियम फास्फाईड के धूम्रिक के लिए अधिकृत होंगे।
- (iv) मैसर्स पेस्ट माईम (इंडिया) प्रा. लि. श्री मल्लिकार्जुन राव, श्री एम. एस. के. बर्मा या श्री एम. एस. कृष्णाराव के पर्यवेक्षण में धूम्रिकरण कराएंगी।

[फाईल सं. 5/28/97-ई.आई.ए.एंड.ई.पी.]

प्रम दास, निर्देशक

New Delhi, the 17th November, 1997

S.O. 3026.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 18-5-1997, M/s. Pest Mortem (India) Pvt. Ltd., located at Seemakurthi Apartments, Plot No. A-3, Vijayajuna Street, Kakinada-533001 and having their registered office G-2, Sunder Tower, T. J. Road, Sewree (W), Bombay-400015 as an agency for fumigation of De-oiled Rice Bran and Crushed Bones, Horns and Hooves prior to export at Kakinada, subject to following conditions, namely :—

- (i) that M/s. Pest Mortem (India) Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by them in granting the certificate of fumigation under sub rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones Horns and Hooves (Inspection) Rules, 1977.
- (ii) that M/s. Pest Mortem (India) Pvt. Ltd., in the performance of their function under the Notification shall be found by such direct as the Director (Inspection & Quality Control) may give in writing from time to time.
- (iii) that M/s. Pest Mortem (India) Pvt. Ltd., shall use only Aluminium Phosphide as fumigant.
- (iv) that M/s. Pest Mortem (India) Pvt. Ltd., shall carry out such fumigation under supervision of either Shri C. Mallikerjuna Rao, Shri M. S. K. Verma or Shri M. S. Krishna Rao.

[F. No. 5/29/97-EL&EP]
PRABH DAS, Director

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 18 नवम्बर, 1997

का. प्रा. 3027.—मैसर्स गुरपार इंडस्ट्रीज लि० मुंबई को पंजीगत वस्तुओं के आयात हेतु र० 43, 64, 85, 820 मूल्य का आयात लाइसेंस सं०-01500500 दिनांक 2-8-96 जारी किया गया है।

2. फर्म ने इस आधार पर डुप्लीकेट सीमा शुल्क प्रयोजन प्रति जारी करने हेतु आवेदन किया है कि आयात लाइसेंस खो गया है अथवा अस्थानस्थ हो गया है। भागे यह कहा है गया कि लाइसेंस को मुंबई सीमा शुल्क (एयर कार्गो काम्प्लेक्स अंधेरी) के पास पंजीकृत किया गया था तथा लाइसेंस के आंशिक मूल्य र० 1, 90, 16, 862 का उपयोग कर लिया गया है।

3. अपने कथन के समर्थन में, लाइसेंसधारक ने नोटरी पब्लिक मुंबई के समक्ष शपथ लेकर स्टैम्प पेपर पर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि मूल आयात लाइसेंस संख्या 01500500 दिनांक 2-8-96 फर्म द्वारा खो गया है अथवा अस्थानस्थ हो गया है। यथा संशोधित आयात (निबंधन) आदेश, 1955 दिनांक 7-12-55 की उप धारा 9 (ग ग) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गुरपार इंडस्ट्रीज लि०, मुंबई को जारी उक्त मूल आयात लाइसेंस रद्द किया जाता है।

4. उक्त आयात लाइसेंस की डुप्लीकेट प्रति पार्टी को मूल से जारी की जा रही है।

[फा.सं. 01/36/022/100/ए एम-96/ईपीसीजी-2/197]
के. चन्द्रामती, उपमहानिदेशक, विदेश व्यापार

(Directorate General of Foreign Trade)

New Delhi, the 18th November, 1997

S.O. 3027.—M/s. Gurpar Industries Ltd., Mumbai were granted an Import licence No. 01500500 dated 2-8-96 for Rs. 43,64,85,820 for import of capital goods.

2. The firm has applied for issue of duplicate customs purpose copy of the above mentioned licence on the ground that the import licence has been lost or misplaced. It has further been stated that the licence was registered with Mumbai Customs (Air Cargo Complex, Andheri) and the value of the licence has been partly utilised to Rs. 1,90,16,862/-.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Mumbai. I am accordingly satisfied that the original import licence No. 01500500 dt. 2-8-96 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-clause 9(ee) of the Import (Control) Order 1955 dated 7-12-1955, as amended the said original import licence issued to M/s. Gurpar Industries Ltd., Mumbai is hereby cancelled.

4. A duplicate import licence of the said licence is being issued to the party separately.

[F. No. 01/36/022/100-AM/96/EPCC-II/97]
K. CHANDRAMATHI, Dy. Director
General of Foreign Trade

शहरी कार्य और रोजगार मंत्रालय

(शहरी विकास विभाग)

(दिल्ली प्रभाग)

नई दिल्ली, 17 नवम्बर, 1997

का०प्रा० 3028 :—यतः निम्नांकित क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केन्द्रीय सरकार अधोर्बणित क्षेत्रों के बारे में दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा जिसे दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 44 के प्रावधानों के अनुसार दिनांक 2-9-97 के नोटिस संख्या के-13011/8/97-डी डी 1 बी द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा 11-ए की उप धारा (3) में यथा प्रपेक्षित आपत्तियों/सुझाव, उक्त नोटिस की तारीख के 30 दिन की अवधि में आमंत्रित किये गये थे;

और यतः प्रस्तावित संशोधनों के बारे में जनता से कुछ आपत्तियाँ और सुझाव प्राप्त नहीं हुए हैं और यतः केन्द्र सरकार ने दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय लिया है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त बृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है :

संशोधन :—

“मण्डी गांव की ओर आने वाली सड़क की उत्तर दिशा में स्थित विदेश संचार निगम लिमिटेड की 158 एकड़ भूमि के भू-उपयोग को “ग्रामीण उपयोग” में बदलकर “सरकारी” तथा अर्ध सरकारी (गस्थायत)” करने का प्रस्ताव है।” लप्यक्त संशोधन पर निम्नलिखित शर्त लागू होगी :—

- (i) इस परिवर्तन के कारण दिल्ली के लिए उक्त भूमि पर बनने वाले प्रस्तावित परिसर को बिजली पानी की सुविधाएं मुहैया कराना अनिवार्य नहीं होगा।
- (ii) सम्बन्धित स्थानीय निकायों द्वारा सामान्य क्षेत्र को म्यूनिसिपल सेवाएं व सुविधाएं मुहैया कराये जाने पर विदेश संचार निगम लिमिटेड इनका उपयोग कर सकती है।
- (iii) इस क्षेत्र का विकास, दिल्ली मास्टर प्लान-2001 की विकास संहिता के प्रावधानों के अनुसार किया जाएगा। तथापि, सामान्य ग्रामीण इलाकों को ध्यान में रखते हुए विकास कार्य कम ऊंचाई वाले तथा झुका-झुका और समीपवर्ती ग्रामीण परिवेश के अनुकूल होंगे।
- (iv) भविष्य में बनने वाले भवनों का निर्माण अन्तर्राष्ट्रीय विमान पत्तन प्राधिकरण के लागू अन्य विनियमों के अनुसार होगा; और
- (v) परिसर का विकास करते समय सम्पर्क मार्ग (ग्रामीण मार्ग) के केन्द्र से बराबर की दूर का आवश्यक मार्गाधिकार छोड़ा जाएगा।

[सं० के-13011/8/97-डी डी आई बी]]

के० के० गुप्ता, अवसर सचिव

MINISTRY OF URBAN AFFAIRS & EMPLOYMENT

(Department of Urban Development)

(Delhi Division)

New Delhi, the 17th November, 1997

S.O. 3028.—Whereas Certain modifications, which the Central Government proposes to make in the Master Plan for Delhi Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. K-13011/8/97-DDIB, dated 3-9-97, in accordance with the provisions of Section 44 of the Delhi Development Act, 1957 (61 of 1957), inviting objections/suggestions as required by Subsection (3) of Section 11-A of the said Act, within thirty days from the date of the said notice;

And whereas no objections/suggestions were received from the public with regard to the said proposed modifications and whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub section (2) of Section 11A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

“The land use of 158 acres of land belonging to Videsh Sanchar Nigam Limited, bound on the northern side by the road going towards Mandi Village, is proposal to be changed from “Rural Use” to “public and semi-public (institutional) use”.

The above modification is subject to the following conditions :—

- (i) Such a change in land use shall not make it obligatory to the Municipal Corporation etc. to provide utilities to the proposed complex on the said land.
- (ii) VSNL can avail of such services as and when municipal services and utilities are extended by the local concerned bodies to the general area.
- (iii) The development of the area will be guided by the provisions of the development code of Master Plan of Delhi-2001. However, in view of the general rural areas, development should be low rise and low density, blending with the surrounded ing rural environment.
- (iv) Building as and when constructed, shall be according to such other regulations of the International Airports Authority, etc. which may apply; and
- (v) Necessary right of way equi-distant from the centre of the approach road (rural road) shall be left while developing the campus.

[No. K-13011/8/97-DDIB]

K. K. GUPTA, Under Secy.

रसायन एवं उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 19 नवम्बर, 1997

का०आ० 3029.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रण में आने वाले निम्नलिखित कार्यालय को, जिनके 80% कर्मचारीवृन्द ने हिन्दी का कार्य साधक ज्ञान प्राप्त किया है, अधिसूचित करती है :—

इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लिमिटेड, कांडला इकाई (गुजरात)।

[सं० ई-11011/5/93-हिन्दी]

नरेन्द्र कुमार अग्रवाल, अतिरिक्त औद्योगिक सलाहकार।

MINISTRY OF CHEMICALS & FERTILIZERS

(Department of Fertilizers)

New Delhi, the 19th November, 1997

S.O. 3029.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language 'Use for official purposes of the Union' Rule 1976 the Central Govt. hereby notifies the following office, under the Administrative Control of Ministry of Chemicals & Fertilizers, Department of Fertilizers, 80% staff whereof have acquired the working knowledge of Hindi.

Indian Farmers Fertilizer Co-operative Limited, Kandla Unit (Gujarat).

[No. E-11011/5/93-Hindi]

NARENDER KUMAR AGGARWAL, Addl. Industrial Adviser.

सूचना और प्रसारण मंत्रालय

MINISTRY OF INFORMATION & BROADCASTING

नई दिल्ली, 5 नवम्बर, 1997

New Delhi, the 5th November, 1997

का.आ. 3030.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में गीत और नाटक प्रभाग तथा राष्ट्रीय फिल्म विकास निगम लि. (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों को जिनके 80 प्रतिशत से अधिक कर्मचारीकुन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. गीत और नाटक प्रभाग, केन्द्र कलकत्ता
2. गीत और नाटक प्रभाग, केन्द्र, चण्डीगढ़
3. राष्ट्रीय फिल्म विकास निगम लि., क्षेत्रीय कार्यालय चेन्नई।

S.O. 3030.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following Subordinate Office of the Song & Drama Division and National Film Development Corporation Ltd. (Ministry of Information & Broadcasting), the staff where of more than 80% have acquired the working knowledge of Hindi :—

1. Song & Drama Division, Centre, Calcutta.
2. Song & Drama Division, Centre, Chandigarh.
3. National Film Development Corporation Ltd. Regional Office, Chennai.

[सं. ई-11011/1/93-हिन्दी]
एस.एस. कटारिया, निदेशक (राजभाषा)

[No. E-11011/1/93-Hindi]
S. S. KATARIA, Director (OL)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय
नई दिल्ली, 28 नवम्बर 1997

का.आ. 3031.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीख की अधिसूचना सं. का.आ. द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था ;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में उपयोग का अधिकार जो सभी विलंगनों से मुक्त है, इंडियन ऑयल कारपोरेशन लिमिटेड में निहित किया गया था,

और सक्षम प्राधिकारी म इंडियन ऑयल कारपोरेशन लिमिटेड से परामर्श करके केन्द्रीय सरकार को रिपोर्ट दे दी है कि पेट्रोलियम के परिवहन के प्रयोजन के लिए गुजरात राज्य में कांडला से पंजाब राज्य में भाटिंडा तक उक्त भूमि में पाइप लाइन बिछाई जा चुकी है। अतः, भूमियों के बारे में सक्रिया की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना की उपाबद्ध अनुसूची में विनिर्दिष्ट किया जाता है।

अतः, अब, केन्द्रीय सरकार पेट्रोलियम पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1962 के नियम के अधीन यथा अपेक्षित सक्रिया की समाप्ति की तारीख के रूप में उक्त अनुपूकों के स्तम्भ 6 में उल्लिखित तारीखों की घोषणा करती है।

अनुसूची

का.आ.सं. व तारीख	गांव का नाम	तहसील	जिला	राज्य	प्रधानत की समाप्ति की तारीख
1	2	3	4	5	6
475-13 मार्च, 1993	असद पुर खेड़ा	झज्जर	रोहतक	हरियाणा	31 अक्तूबर, 1996
2544-27 नवम्बर, 1993	असद पुर खेड़ा	"	रोहतक	हरियाणा	31 अक्तूबर, 1996
2014-25 सितम्बर, 1993	असदपुर खेड़ा	"	रोहतक	हरियाणा	31 अक्तूबर, 1996
475-13 मार्च, 1993	बादनपुर	"	रोहतक	हरियाणा	31 अक्तूबर, 1996

1	2	3	4	5	6
2544, 27 नवम्बर, 1993	दाधनपुर	भज्जर	रोहतक	हरियाणा	31 अक्टूबर, 1996
3551, 31 दिसम्बर, 1994	दाधनपुर	"	रोहतक	हरियाणा	31 अक्टूबर, 1996
475, 13 मार्च, 1993	रायपुर	"	रोहतक	हरियाणा	11 अक्टूबर, 1996
475-13 मार्च, 1993	गिरजाडोद	"	रोहतक	हरियाणा	12 अक्टूबर, 1996
2544-27 नवम्बर, 1993	गिरजाडोद	"	रोहतक	हरियाणा	12 अक्टूबर, 1996
2014-25 सितम्बर, 1993	गिरजाडोद	"	रोहतक	हरियाणा	12 अक्टूबर, 1996
3551-31 दिसम्बर 1994	गिरजाडोद	"	रोहतक	हरियाणा	12 अक्टूबर, 1996
502-22 फरवरी, 1997	गिरजाडोद	"	रोहतक	हरियाणा	12 अक्टूबर, 1996
457-13 मार्च, 1993	सिलानी पाना केसो	"	रोहतक	हरियाणा	15 अक्टूबर, 1996
2544-27 नवम्बर, 1993	सिलानी पाना केसो	"	रोहतक	हरियाणा	15 अक्टूबर, 1996
3551-31 दिसम्बर, 1994	सिलानी पाना केसो	"	रोहतक	हरियाणा	15 अक्टूबर, 1996
2014-25 मार्च, 1994	सिलानी पाना जालम	"	रोहतक	हरियाणा	14 अक्टूबर, 1996
475-13 मार्च, 1993	सिलानी पाना जालम	"	रोहतक	हरियाणा	14 अक्टूबर, 1996
2544-27 नवम्बर, 1993	सिलानी पाला जालम	"	रोहतक	हरियाणा	14 अक्टूबर, 1996
3551-31 दिसम्बर, 1994	सिलानी पाला जालम	"	रोहतक	हरियाणा	14 अक्टूबर, 1996
502-22 फरवरी, 1997	सिलानी पाला जालम	"	रोहतक	हरियाणा	14 अक्टूबर, 1996
2544-27 नवम्बर, 1993	भज्जर	"	रोहतक	हरियाणा	16 अक्टूबर, 1996
475-13 मार्च, 1993	"	"	रोहतक	हरियाणा	16 अक्टूबर, 1996
524-02 अप्रैल, 1994	"	"	रोहतक	हरियाणा	16 अक्टूबर, 1996
2014-25 सितम्बर, 1993	"	"	रोहतक	हरियाणा	16 अक्टूबर, 1996
3551-31 दिसम्बर, 1994	"	"	रोहतक	हरियाणा	16 अक्टूबर, 1996
475-13 मार्च, 1993	गोराबड़	"	रोहतक	हरियाणा	18 अक्टूबर, 1996
2544-27 नवम्बर, 1993	गोराबड़	"	रोहतक	हरियाणा	18 अक्टूबर, 1996
824-2 अप्रैल, 1994	गोराबड़	"	रोहतक	हरियाणा	18 अक्टूबर, 1996
2014-25 सितम्बर, 1993	गोराबड़	"	रोहतक	हरियाणा	18 अक्टूबर, 1996
502-22 फरवरी, 1997	गोराबड़	"	रोहतक	हरियाणा	18 अक्टूबर, 1996
3551-31 दिसम्बर, 1994	गोराबड़	"	रोहतक	हरियाणा	18 अक्टूबर, 1996
475-13 मार्च, 1993	मछरोली	"	रोहतक	हरियाणा	31 अक्टूबर, 1996
2014-25 सितम्बर, 1993	मछरोली	"	रोहतक	हरियाणा	31 अक्टूबर, 1996
2544-27 नवम्बर, 1993	मछरोली	"	रोहतक	हरियाणा	31 अक्टूबर, 1996
475-13 मार्च, 1993	चांदपुर	"	रोहतक	हरियाणा	25 मार्च, 1997
2544-27 नवम्बर, 1993	चांदपुर	"	रोहतक	हरियाणा	25 मार्च, 1997
2014-25 सितम्बर, 1993	चांदपुर	"	रोहतक	हरियाणा	25 मार्च, 1997
475-13 मार्च, 1993	कैमल गढ़	"	रोहतक	हरियाणा	21 अक्टूबर, 1996
2544-27 नवम्बर, 1993	कैमल गढ़	"	रोहतक	हरियाणा	21 अक्टूबर, 1996
470-13 मार्च, 1993	छारा	बहादुर गढ़	रोहतक	हरियाणा	20 अक्टूबर, 1996
2546-27 नवम्बर, 1993	छारा	बहादुर गढ़	रोहतक	हरियाणा	20 अक्टूबर, 1996
2411-13 नवम्बर, 1993	छारा	बहादुर गढ़	रोहतक	हरियाणा	20 अक्टूबर, 1996
2412-13 नवम्बर, 1993	छारा	बहादुर गढ़	रोहतक	हरियाणा	20 अक्टूबर, 1996
3551-31 दिसम्बर, 1994	छारा	बहादुर गढ़	रोहतक	हरियाणा	20 अक्टूबर, 1996
470-13 मार्च, 1993	अगरपुर	बहादुर गढ़	रोहतक	हरियाणा	22 अक्टूबर, 1996
2546-27 नवम्बर, 1993	अगरपुर	बहादुर गढ़	रोहतक	हरियाणा	22 अक्टूबर, 1996

1	2	3	4	5	6
2547-27 नवम्बर, 1993	कुलताना	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
2014-25 सितम्बर, 1993	कुलताना	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
3551-31 दिसम्बर, 1994	कुलताना	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
1248-6 मई, 1995	कुलताना	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
471-13 मार्च, 1993	इसमाईला 9 बिसवा	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
2014-25 सितम्बर, 1993	"	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
2547-27 नवम्बर, 1993	"	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
1134-14 मई, 1994	"	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
502-22 फरवरी, 1997	"	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
3551-31 दिसम्बर, 1994	"	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
471-13 मार्च, 1993	इसमाईला	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
2547-27 नवम्बर, 1993	बिसवा	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
824-2 अप्रैल, 1994	"	रोहतक	रोहतक	हरियाणा	22 अक्तूबर, 1996
471-13 मार्च, 1993	गांधरा	रोहतक	रोहतक	हरियाणा	30 अक्तूबर, 1996
2547-27 नवम्बर, 1993	गांधरा	रोहतक	रोहतक	हरियाणा	30 अक्तूबर, 1996
2014-25 सितम्बर, 1993	गांधरा	रोहतक	रोहतक	हरियाणा	30 अक्तूबर, 1996
3551-31 दिसम्बर, 1994	"	रोहतक	रोहतक	हरियाणा	30 अक्तूबर, 1996
2547-27 नवम्बर, 1993	नीनन्द	रोहतक	रोहतक	हरियाणा	27 अक्तूबर, 1996
471-13 मार्च, 1993	नीनन्द	रोहतक	रोहतक	हरियाणा	27 अक्तूबर, 1996
3551-31 दिसम्बर, 1994	नीनन्द	रोहतक	रोहतक	हरियाणा	27 अक्तूबर, 1996
502-22 फरवरी, 1997	नीनन्द	रोहतक	रोहतक	हरियाणा	27 अक्तूबर, 1996
471-13 मार्च, 1993	पाकसमा	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
824-2 अप्रैल, 1994	पाकसमा	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
2547-27 नवम्बर, 1993	पाकसमा	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
2014-25 सितम्बर, 1993	पाकसमा	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
502-22 फरवरी, 1997	पाकसमा	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
471-13 मार्च, 1993	भालोट	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
2547-27 नवम्बर, 1993	भालोट	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
2014-25 सितम्बर, 1993	भालोट	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
471-13 मार्च, 1993	रुड़की	रोहतक	रोहतक	हरियाणा	31 अक्तूबर, 1996
2014-25 सितम्बर, 1993	रुड़की	रोहतक	रोहतक	हरियाणा	31 अक्तूबर, 1996
2547-27 नवम्बर, 1993	रुड़की	रोहतक	रोहतक	हरियाणा	31 अक्तूबर, 1996
3551-31 दिसम्बर, 1993	रुड़की	रोहतक	रोहतक	हरियाणा	31 अक्तूबर, 1996
471-13 मार्च, 1993	पोलंगी	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
2014-25 सितम्बर, 1993	पोलंगी	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
2547-27 नवम्बर, 1993	पोलंगी	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
3551-31 दिसम्बर, 1994	पोलंगी	रोहतक	रोहतक	हरियाणा	28 अक्तूबर, 1996
473-13 मार्च, 1993	गिवाना	गोहाना	सोनीपत	हरियाणा	31 अक्तूबर, 1996
2542-27 नवम्बर, 1993	गिवाना	गोहाना	सोनीपत	हरियाणा	31 अक्तूबर, 1996

[illegible]

[illegible]

1	2	3	4	5	6
474-13 मार्च, 1993	आसन कलां	पानीपत	पानीपत	हरियाणा	27 अक्तूबर, 1996
2543-27 नवम्बर, 1993	आसन कलां	पानीपत	पानीपत	हरियाणा	27 अक्तूबर, 1996
3551-31 दिसम्बर, 1994	आसन कलां	पानीपत	पानीपत	हरियाणा	27 अक्तूबर, 1996
474-13 मार्च, 1993	खण्डोरा	पानीपत	पानीपत	हरियाणा	27 अक्तूबर, 1996
474-13 मार्च, 1993	बाल जाटान	पानीपत	पानीपत	हरियाणा	13 फरवरी, 1997
2543-27 नवम्बर, 1993	बाल जाटान	पानीपत	पानीपत	हरियाणा	13 फरवरी, 1997
824-2 अप्रैल, 1994	बाल जाटान	पानीपत	पानीपत	हरियाणा	13 फरवरी, 1997

[सं. आर. 31015/17/97-ओ.आर.-I]

के.सी. कटोवा, अवसर सचिव

New Delhi, the 28th November, 1997

S.O. 3431—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. and date as mentioned in the schedule below issued under sub-section (1) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands specified in the Schedule appended to that notification;

And whereas, in exercise of the powers conferred by sub-section (4) of the section-6 of the said Act, the Central Government vested the right of user in the said lands free from all encumbrances in the Indian Oil Corporation Limited;

And whereas, the competent authority has in consultation with the Indian Oil Corporation Limited made a report to the Central Government that the pipelines for the purpose of transport of Petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab has been laid in the said lands, so the operation may be terminated in respect of the lands the description of which in brief is specified in the Schedule annexed to this notification;

Now, therefore, as required under rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declare the dates mentioned in Column 6 of the said Schedule as the date of termination of operation.

SCHEDULE

S.O. No. & Date	Name of Village	Tehsil	District	State	Date of Termination of Operation
1	2	3	4	5	6
475-13th March, 1993	Assadpur Khera	Jhajjar	Rohtak	Haryana	31st October, 1996
2544-27th November, 1993	Assadpur Khera	Jhajjar	Rohtak	Haryana	31st October, 1996
2014-25th September, 1993	Assadpur Khera	Jhajjar	Rohtak	Haryana	31st October, 1996
475-13th March, 1993	Dadan Pur	Jhajjar	Rohtak	Haryana	31st October, 1996
2544-27th November, 1993	Dadan Pur	Jhajjar	Rohtak	Haryana	31st October, 1996
3551-31st December, 1994	Dadan Pur	Jhajjar	Rohtak	Haryana	31st October, 1996
475-13th March, 1993	Rai Pur	Jhajjar	Rohtak	Haryana	11th October, 1996
475-13th March, 1993	Giza Road	Jhajjar	Rohtak	Haryana	12th October, 1996
2544-27th November, 1993	Giza Road	Jhajjar	Rohtak	Haryana	12th October, 1996
2014-25th September, 1993	Giza Road	Jhajjar	Rohtak	Haryana	12th October, 1996
3551-31st December, 1994	Giza Road	Jhajjar	Rohtak	Haryana	12th October, 1996
502-22nd February, 1997	Giza Road	Jhajjar	Rohtak	Haryana	12th October, 1996
475-13th March, 1993	Silani Pana Keso	Jhajjar	Rohtak	Haryana	15th October, 1996
2544-27th November, 1993	Silani Pana Keso	Jhajjar	Rohtak	Haryana	15th October, 1996
3551-31st December, 1994	Silani Pana Keso	Jhajjar	Rohtak	Haryana	15th October, 1996

1	2	3	4	5	6
2014-25th March, 1994	Silani Pana Zalim	Jhajjar	Rohtak	Haryana	14th October, 1996
475-13th March, 1993	Silani Pana Zalim	Jhajjar	Rohtak	Haryana	14th October, 1996
2544-27th November, 1993	Silani Pana Zalim	Jhajjar	Rohtak	Haryana	14th October, 1996
3551-31st December, 1994	Silani Pana Zalim	Jhajjar	Rohtak	Haryana	14th October, 1996
502-22nd February, 1997	Silani Pana Zalim	Jhajjar	Rohtak	Haryana	14th October, 1996
2544-27th November, 1993	Jhajjar	Jhajjar	Rohtak	Haryana	16th October, 1996
475-13th March, 1993	Jhajjar	Jhajjar	Rohtak	Haryana	16th October, 1996
824-2nd April, 1994	Jhajjar	Jhajjar	Rohtak	Haryana	16th October, 1996
2014-25th September, 1993	Jhajjar	Jhajjar	Rohtak	Haryana	16th October, 1996
3551-31st December, 1994	Jhajjar	Jhajjar	Rohtak	Haryana	16th October, 1996
475-13th March, 1993	Gorawar	Jhajjar	Rohtak	Haryana	18th October, 1996
2544-27th November, 1993	Gorawar	Jhajjar	Rohtak	Haryana	18th October, 1996
824-2nd April, 1994	Gorawar	Jhajjar	Rohtak	Haryana	18th October, 1996
2014-25th September, 1993	Gorawar	Jhajjar	Rohtak	Haryana	18th October, 1996
502-22nd February, 1997	Gorawar	Jhajjar	Rohtak	Haryana	18th October, 1996
3551-31st December, 1994	Gorawar	Jhajjar	Rohtak	Haryana	18th October, 1996
475-13th March, 1993	Machroli	Jhajjar	Rohtak	Haryana	31st October, 1996
2014-25th September, 1993	Machroli	Jhajjar	Rohtak	Haryana	31st October, 1996
2544-27th November, 1993	Machroli	Jhajjar	Rohtak	Haryana	31st October, 1996
475-13th March, 1993	Chand Pur	Jhajjar	Rohtak	Haryana	25th March, 1997
2544-27th November, 1993	Chand Pur	Jhajjar	Rohtak	Haryana	25th March, 1997
2014-25th September, 1993	Chand Pur	Jhajjar	Rohtak	Haryana	25th March, 1997
475-13th March, 1993	Kamel Garh	Jhajjar	Rohtak	Haryana	21st October, 1996
2544-27th November, 1993	Kamel Garh	Jhajjar	Rohtak	Haryana	21st October, 1996
470-13th March, 1993	Chara	Bahadur Garh	Rohtak	Haryana	20th October, 1996
2546-27th November, 1993	Chara	Bahadur Garh	Rohtak	Haryana	20th October, 1996
2411-13th November, 1993	Chara	Bahadur Garh	Rohtak	Haryana	20th October, 1996
2412-13th November, 1993	Chara	Bahadur Garh	Rohtak	Haryana	20th October, 1996
3551-31st December, 1994	Chara	Bahadur Garh	Rohtak	Haryana	20th October, 1996
470-13th March, 1993	Agar Pur	Bahadur Garh	Rohtak	Haryana	22th October, 1996
2546-27th November, 1993	Agar Pur	Bahadur Garh	Rohtak	Haryana	22nd October, 1996
2547-27th November, 1993	Kultana	Rohtak	Rohtak	Haryana	22nd October, 1996
2014-25th September, 1993	Kultana	Rohtak	Rohtak	Haryana	22nd October, 1996

1	2	3	4	5	6
3551-31st December, 1994	Kultana	Rohtak	Rohtak	Haryana	22nd October, 1996
1248-6th May, 1995	Kultana	Rohtak	Rohtak	Haryana	22nd October, 1996
471-13th March, 1993	Ismaila 9 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
2014-25th September, 1993	Ismaila 9 Biswas	Rohtak	Rohtak	Haryana	22nd October, 1996
2547-27th November, 1993	Ismaila 9 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
1134-14th May, 1994	Ismaila 9 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
502-22nd February, 1997	Ismaila 9 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
3551-31st December, 1994	Ismaila 9 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
471-13th March, 1993	Ismaila 11 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
2547-27th November, 1993	Ismaila 11 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
824-2nd April, 1994	Ismaila 11 Biswa	Rohtak	Rohtak	Haryana	22nd October, 1996
471-13th March, 1993	Gandhra	Rohtak	Rohtak	Haryana	30th October, 1996
2547-27th November, 1993	Gandhra	Rohtak	Rohtak	Haryana	30th October, 1996
2014-25th September, 1993	Gandhra	Rohtak	Rohtak	Haryana	30th October, 1996
3551-31st December, 1994	Gandhra	Rohtak	Rohtak	Haryana	30th October, 1996
2547-27th November, 1993	Naunand	Rohtak	Rohtak	Haryana	27th October, 1996
471-13th March, 1993	Naunand	Rohtak	Rohtak	Haryana	27th October, 1996
3551-31st December, 1994	Naunand	Rohtak	Rohtak	Haryana	27th October, 1996
502-22nd February, 1997	Naunand	Rohtak	Rohtak	Haryana	27th October, 1996
471-13th March, 1993	Pakasman	Rohtak	Rohtak	Haryana	28th October, 1996
824-2nd April, 1994	Pakasman	Rohtak	Rohtak	Haryana	28th October, 1996
2547-27th November, 1993	Pakasman	Rohtak	Rohtak	Haryana	28th October, 1996
2014-25th September, 1993	Pakasman	Rohtak	Rohtak	Haryana	28th October, 1996
502-22nd February, 1997	Pakasman	Rohtak	Rohtak	Haryana	28th October, 1996
471-13th March, 1993	Bhalote	Rohtak	Rohtak	Haryana	28th October, 1996
2547-27th November, 1993	Bhalote	Rohtak	Rohtak	Haryana	28th October, 1996
2014-25th September, 1993	Bhalote	Rohtak	Rohtak	Haryana	28th October, 1996
471-13th March, 1993	Roorki	Rohtak	Rohtak	Haryana	31st October, 1996
2014-25th September, 1993	Roorki	Rohtak	Rohtak	Haryana	31st October, 1996
2547-27th November, 1993	Roorki	Rohtak	Rohtak	Haryana	31st October, 1996
3551-31st December, 1994	Roorki	Rohtak	Rohtak	Haryana	31st October, 1996
471-13th March, 1993	Polungi	Rohtak	Rohtak	Haryana	28th October, 1996
2014-25th September, 1993	Polungi	Rohtak	Rohtak	Haryana	28th October, 1996
2547-27th November, 1993	Polungi	Rohtak	Rohtak	Haryana	28th October, 1996
3551-31st December, 1994	Polungi	Rohtak	Rohtak	Haryana	28th October, 1996
471-13th March, 1993	Giwana	Gohana	Sonepat	Haryana	31st October, 1996
2547-27th November, 1993	Giwana	Gohana	Sonepat	Haryana	31st October, 1996

1	2	3	4	5	6
1959-18th September, 1993	Giwana	Gohana	Sonepat	Haryana	31st October, 1996
3551-31st December, 1994	Giwana	Gohana	Sonepat	Haryana	31st October, 1996
473-13th March, 1993	Anwli	Gohana	Sonepat	Haryana	31st December, 1996
2542-27th November, 1993	Anwli	Gohana	Sonepat	Haryana	31st December, 1996
3551-31st December, 1994	Anwli	Gohana	Sonepat	Haryana	31st December, 1996
502-22nd February, 1997	Anwli	Gohana	Sonepat	Haryana	31st December, 1996
473-13th March, 1993	Bil Bilan	Gohana	Sonepat	Haryana	31st October, 1996
473-13th March, 1993	Bhainswal Kalan Mithan	Gohana	Sonepat	Haryana	31st October, 1996
2542-27th November, 1993	Bhainswal Kalan Mithan	Gohana	Sonepat	Haryana	31st October, 1996
1959-18th September, 1993	Bhainswal Kalan Mithan	Gohana	Sonepat	Haryana	31st October, 1996
824-2nd April, 1994	Bhainswal Kalan Mithan	Gohana	Sonepat	Haryana	31st October, 1996
1248-6th May, 1995	Bhainswal Kalan Mithan	Gohana	Sonepat	Haryana	31st October, 1996
3551-31st December, 1994	Bhainswal Kalan Mithan	Gohana	Sonepat	Haryana	31st October, 1996
2542-27th November, 1993	Bhainswal Kalan Bawla	Gohana	Sonepat	Haryana	31st October, 1996
473-13th March, 1993	Bhainswal Kalan Bawla	Gohana	Sonepat	Haryana	31st October, 1996
473-13th March, 1993	Katwal	Gohana	Sonepat	Haryana	28th October, 1996
2542-27th November, 1993	Katwal	Gohana	Sonepat	Haryana	28th October, 1996
3551-31st December, 1994	Katwal	Gohana	Sonepat	Haryana	28th October, 1996
1959-18th September, 1993	Lath	Gohana	Sonepat	Haryana	11th March, 1996
473-13th March, 1993	Lath	Gohana	Sonepat	Haryana	11th March, 1997
2542-20th November, 1993	Lath	Gohana	Sonepat	Haryana	11th March, 1997
3551-31st December, 1994	Lath	Gohana	Sonepat	Haryana	11th March, 1997
473-13th March, 1993	Jolly	Gohana	Sonepat	Haryana	21st October, 1996
2542-27th November, 1993	Jolly	Gohana	Sonepat	Haryana	21st October, 1996
3551-31st December, 1994	Jolly	Gohana	Sonepat	Haryana	21st October, 1996
502-22nd February, 1997	Jolly	Gohana	Sonepat	Haryana	21st October, 1996
473-13th March, 1993	Nayat	Gohana	Sonepat	Haryana	21st October, 1996
2542-27th November, 1993	Nayat	Gohana	Sonepat	Haryana	21st October, 1996
3551-31st December, 1994	Nayat	Gohana	Sonepat	Haryana	21st October, 1996
1248-6th May, 1995	Nayat	Gohana	Sonepat	Haryana	21st October, 1996
473-13th March, 1993	Kakana Bhadhri	Gohana	Sonepat	Haryana	17th October, 1996
2542-27th November, 1993	Kakana Bhadhri	Gohana	Sonepat	Haryana	17th October, 1996

1	2	3	4	5	6
1959-18th September, 1993	Kakana Bhadhri	Gohana	Sonepat	Haryana	17th October, 1996
824-2nd April, 1994	Kakana Bhadhri	Gohana	Sonepat	Haryana	17th October, 1996
3551-31st December, 1994	Kakana Bhadhri	Gohana	Sonepat	Haryana	17th October, 1996
473-13th March, 1993	Khanpur Kalan	Gohana	Sonepat	Haryana	17th October, 1996
1959-18th September, 1993	Khanpur Kalan	Gohana	Sonepat	Haryana	17th October, 1996
2542-27th November, 1993	Khanpur Kalan	Gohana	Sonepat	Haryana	17th October, 1996
3551-31st December, 1994	Khanpur Kalan	Gohana	Sonepat	Haryana	17th October, 1996
473-13th March, 1993	Shamri Sishan	Gohana	Sonepat	Haryana	29th December, 1996
1959-18th September, 1993	Shamri Buran	Gohana	Sonepat	Haryana	28th December, 1996
473-13th March, 1993	Shamri Buran	Gohana	Sonepat	Haryana	28th December, 1996
2542-27th November, 1993	Shamri Buran	Gohana	Sonepat	Haryana	28th December, 1996
824-2nd April, 1994	Shamri Buran	Gohana	Sonepat	Haryana	28th December, 1996
474-13th March, 1993	Buwana Lakhu	Panipat	Panipat	Haryana	18th October, 1996
3551-31st December, 1994	Buwana Lakhu	Panipat	Panipat	Haryana	18th October, 1996
1248-6th May, 1995	Buwana Lakhu	Panipat	Panipat	Haryana	18th October, 1996
474-13th March, 1993	Kayath	Panipat	Panipat	Haryana	25th October, 1996
1633-31st July, 1993	Kayath	Panipat	Panipat	Haryana	25th October, 1996
3551-31st December, 1994	Kayath	Panipat	Panipat	Haryana	25th October, 1996
1248-6th May, 1995	Kayath	Panipat	Panipat	Haryana	25th October, 1996
474-13th March, 1993	Shahpur	Panipat	Panipat	Haryana	1st November, 1996
1633-31st July, 1993	Shahpur	Panipat	Panipat	Haryana	1st November, 1996
2543-27th November, 1993	Shahpur	Panipat	Panipat	Haryana	1st November, 1996
3551-31st December, 1994	Shahpur	Panipat	Panipat	Haryana	1st November, 1996
1248-6th May, 1995	Shahpur	Panipat	Panipat	Haryana	1st November, 1996
2543-27th November, 1993	Israna	Panipat	Panipat	Haryana	28th October, 1996
474-13th March, 1993	Israna	Panipat	Panipat	Haryana	28th October, 1996
1633-31st July, 1993	Israna	Panipat	Panipat	Haryana	29th October, 1996
3551-31st December, 1994	Israna	Panipat	Panipat	Haryana	28th October, 1996
502-22nd February, 1997	Israna	Panipat	Panipat	Haryana	28th October, 1996
474-13th March, 1993	Karad	Panipat	Panipat	Haryana	1st November, 1996
2543-27th November, 1993	Karad	Panipat	Panipat	Haryana	1st November, 1996
1633-31st July, 1993	Karad	Panipat	Panipat	Haryana	1st November, 1996

1	2	3	4	5	6
3551-31st December, 1994	Karad	Panipat	Panipat	Haryana	1st November, 1996
1248-6th May, 1995	Karad	Panipat	Panipat	Haryana	1st November, 1996
474-13th March, 1993	Kalkha	Panipat	Panipat	Haryana	27th October, 1996
1633-31st July, 1993	Kalkha	Panipat	Panipat	Haryana	27th October, 1996
2543-27th November, 1993	Kalkha	Panipat	Panipat	Haryana	27th October, 1996
573-26th February, 1994	Kalkha	Panipat	Panipat	Haryana	27th October, 1996
3551-31st December, 1994	Kalkha	Panipat	Panipat	Haryana	27th October, 1996
1248-6th May, 1995	Kalkha	Panipat	Panipat	Haryana	27th October, 1996
502-22nd February, 1997	Kalkha	Panipat	Panipat	Haryana	27th October, 1996
474-13th March, 1993	Lohari	Panipat	Panipat	Haryana	27th October, 1996
3551-31st December, 1994	Lohari	Panipat	Panipat	Haryana	27th October, 1996
474-13th March, 1993	Sutana	Panipat	Panipat	Haryana	6th January, 1997
3551-31st December, 1994	Sutana	Panipat	Panipat	Haryana	6th January, 1997
1248-6th May, 1995	Sutana	Panipat	Panipat	Haryana	6th January, 1997
824-2nd April, 1994	Untla	Panipat	Panipat	Haryana	27th October, 1996
3551-31st December, 1994	Untla	Panipat	Panipat	Haryana	27th October, 1996
1248-6th May, 1995	Untla	Panipat	Panipat	Haryana	27th October, 1996
502-22nd February, 1997	Untla	Panipat	Panipat	Haryana	27th October, 1996
474-13th March, 1993	Aasan Khurd	Panipat	Panipat	Haryana	28th October, 1996
2543-27th November, 1993	Aasan Khurd	Panipat	Panipat	Haryana	28th October, 1996
824-2nd April, 1994	Aasan Khurd	Panipat	Panipat	Haryana	28th October, 1996
3551-31st December, 1994	Aasan Khurd	Panipat	Panipat	Haryana	28th October, 1996
1248-6th May, 1995	Aasan Khurd	Panipat	Panipat	Haryana	28th October, 1996
474-13th March, 1993	Aasan Kalan	Panipat	Panipat	Haryana	27th October, 1996
2543-27th November, 1993	Aasan Kalan	Panipat	Panipat	Haryana	27th October, 1996
3551-31st December, 1994	Aasan Kalan	Panipat	Panipat	Haryana	27th October, 1996
474-13th March, 1993	Khandora	Panipat	Panipat	Haryana	27th October, 1996
474-13th March, 1993	Bal Jattan	Panipat	Panipat	Haryana	13th February, 1997
2543-27th November, 1993	Bal Jattan	Panipat	Panipat	Haryana	13th February, 1997
825-2nd April, 1994	Bal Jattan	Panipat	Panipat	Haryana	13th February, 1997

[No. R-31015/17/97-OR-I]
K. C. KATOCH, Under Secy.

नई दिल्ली, 25 नवम्बर, 1997

का. ओ. 3032.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 §1962 का 50 § जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 3 की उपधारा §1 § के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1804 तारीख 15 जुलाई, 1997, द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 01 अगस्त, 1997 को उपलब्ध करा दी गई थी,

और उक्त अधिनियम की धारा 6 की उपधारा §1 § के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए,

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा §1 § द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है,

यह और कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा §4 § द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विलसंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

सॉद	अंचल - नाला	थाना नं०	प्लॉट नं०	अनुसूची जिला - दुमका		राज्य - बिहार	
				क्षेत्र			
				हेक्टेयर	एयर	सेन्टीएयर	
1	2	3	4	5	6		
दुमरिया	21	791	0	00	40		
		1506	0	01	21		

ग्राम - मुम्हरीन	2	जिला-मुम्हरीन	3	राज्य-बिहार	4
रोमलदुबी	12	422	0	04	05
		241	0	03	24
		605	0	00	01
		603	0	02	03
		399	0	01	21
		334	0	01	21
भनिहारी	5	749	0	00	01
		850	0	02	03
जलपुरी	7	185	0	00	01
		184	0	00	40
जालीपत्थर	4	263	0	00	40
हुमरिया	10	102	0	00	01
राख	26	635	0	00	40
क्षेमन्दी	17	891	0	04	06
शिबिराम	14	850	0	02	02
		856	0	05	58
		855	0	01	62
		838	0	01	21

1	2	3	4	5	6
		784	3	03	24
		782	0	12	96
		498	0	02	23
		496	0	02	23
		497	0	04	05
		495	0	06	48
		599	0	00	81
		854	0	00	41
		558	0	00	01
		557	0	00	40
		492	0	07	69
		499	0	00	40
		494	0	00	81
		560	0	02	43
पंचमहुली	36	626	0	01	62
		627	0	01	21
		520	0	05	40
सिंगारपुर	37	500	0	00	40
खैरबानी	18	388		00	40

1	2	3	4	5	6
पालाजोरी	12	1635	0	04	86
		1521	0	20	23
बाघासोला	47	626	0	01	62
धनकुडी	13	1190	0	01	21
खजुरी	17	3391	0	00	81
		3392	0	03	24
		2996	0	03	24
		1545	0	02	43
		1546	0	01	21
		1585	0	00	81
		1539	0	01	21
		1588	0	00	40
		1589	0	01	21
		1146	0	20	25
		922	0	01	21
		441	0	01	21
		3347	0	04	45
		616	0	00	40

1	2	3	4	5	6
		3348	0	00	81
		3337	0	00	81
		3376	0	01	62
		3382	0	01	62
		3383	0	07	69
		3375	0	04	45
		3378	0	02	43
		3377	0	03	24
		3312	0	03	64
		3346	0	02	43
		3338	0	02	83
		1246	0	20	23
सुशिक्षिपुर	13	4549/5336	0	02	43
		4529	0	00	40

अंचल - मोरमपुर	जिला - देवघर	राज्य-बिहार
चकजजवारा रांगा टांड	557 81	0 00 40
अमराड़िया	578 196	0 01 62

अंचल - जोरनपुर		जिला - देवघर		राज्य-बितर	
बलसरा छोट 'क'	571	35	0	02	02
		34	0	05	26
		36	0	25	09
पुनसिया	576	329	0	00	81
		346	0	01	21
		347	0	00	40
		701	0	01	62
भेदनीडीह	681	439	0	00	40
		356	0	02	83
शिरसा	672	42	0	00	40
झारखंडी	646	976	0	00	81
		981	0	03	24

अंचल - सारवाँ		जिला - देवघर		राज्य-बितर	
1	2	3	4	5	6
दिशानपुर	98	101	0	00	81
नेलियाडीह	138	6	0	00	40
बेला	171	110	0	01	21
जोगियाटिकर	243	32	0	00	81
कोड़डीह	240	97	0	06	48

अंचल - सारठ	जिला - देवघर				राज्य-बिहार
देवली	238	567	0	01	21

अंचल - पालाजोरी	जिला - देवघर				राज्य-बिहार
बरदाहा	456	41	0	00	40
		593	0	00	40
छाया	470	1383	0	01	21
		621	0	02	02
		697	0	02	40
मजदाहा	465	389	3	00	81
सिमला	625	1462	3	00	40
		1547	0	02	83
आमगाछी	658	166	0	01	62
रामपुर	685	317	0	00	81

अंचल - देवघर	जिला - देवघर				राज्य-बिहार
गढ़जोरा	6	1155	0	06	48
		15	0	02	24
		27	0	04	05

	2	3	4	5	6
		28	8	88	81
		863	8	88	81
कुशमाहा	222	823/934	8	88	48
		799	8	88	81
		822	8	81	62
		983	8	81	21
सरसा	226	1007	0	04	45
		1079	0	01	62
		1034	0	03	24
		1044	0	04	05
		952	0	02	43
		953	0	03	24
		943	0	01	62
		826	0	01	21
		660	0	00	40
		690	0	06	07
		1005	0	06	48
		1019	0	00	81
		680	0	00	40
		681	0	00	40
		1006	0	00	81
		1004	0	03	24
		1024	0	03	24
		1030	0	00	40
		1031	0	02	83

1	2	3	4	5	6
		1032	0	03	64
		1029	0	01	21
		824	0	01	21
ब समनडीह	228	22	0	02	43
		41	0	04	05
		45	0	05	67
		9	0	02	02
संकरा	229	1311	0	01	62
		1300	0	00	01
गरीबखील	243	44	0	05	26
		143	0	07	69
		150	0	01	21
		73	0	03	03
		72	0	02	02
		60	0	02	02
		151	0	02	43
		152	0	02	43
		156	0	00	01
		71	0	02	03

2	3	4	5	6
	47	0	01	62
	48	0	02	43
	45	0	01	62
	46	0	01	62
	135	0	04	45
	133	0	02	02
	139	0	03	24
	148	0	00	40
	145	0	00	40
	149	0	01	21
	155	0	00	01

अंश - जखीसराय	जिला - जखीसराय	राज्य-निहार			
2	3	4	5	6	
किउल	122	1610	0	00	81
		1608	0	02	83
		1606	0	02	02
		1607	0	00	81
		1604	0	00	81
		1603	0	01	62

1	2	3	4	5	6
		1762	0	08	10
		1775	0	04	05
		1774	0	06	00
		354	0	04	05
		1773	0	08	10
		1772	0	02	02
		1776	0	00	40
		1778	0	01	62
		1759	0	02	02
		351	0	00	40
		350	0	04	62
		346	0	02	02
		347	0	00	40
		345	0	00	81

अंचल - मोकामा	जिल्ला - पटना	राज्य-वित्तार
भरतची	19 5991	0 00 81

[सं. आर-31015/12/97/ओ.आर.-I]

के. सी. कटोच, अवर सचिव

New Delhi, the 25th November, 1997

S.O. 3032. Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1804 dated the 15th July, 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar;

And whereas, the copies of the said Notification were made available to the public on 01st August, 1997;

And whereas, the Competent Authority in pursuance of Sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in lands specified in the schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by the Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs the right of user in the said lands shall instead of vesting in the Central Government vest, free from all encumbrances, in the Indian Oil Corporation Limited.

Schedule

Anchal-Nala		District-Dumka		State - Bihar	
Village	Thana No	Plot No	Area		
			Hectare	Are	Centiare
1	2	3	4	5	6
Dumaria	21	791	0	00	40
		1506	0	01	21
Semaldubi	12	422	0	04	05
		241	0	03	24
		605	0	00	81

1	2	3	4	5	6
		603	0	02	83
		399	0	01	21
		334	0	01	21
Manihari	5	749	0	00	81
		850	0	02	83
Jarkuri	7	185	0	00	81
		184	0	00	40
Kalipathar	4	263	0	00	40
Dumaria	10	102	0	00	81
Rakh	26	635	0	00	40
Bamandi	17	891	0	04	86
Anchal-Kundahit		District-Dumka		State - Bihar	
Sibram	14	850	0	02	02
		856	0	05	58
		855	0	01	62
		838	0	01	21
		784	0	03	24
		782	0	12	96
		498	0	02	23
		496	0	02	23
		497	0	04	05
		495	0	06	48
		599	0	00	81
		854	0	00	41
		558	0	00	81
		557	0	00	40
		492	0	07	69

1	2	3	4	5	6
		499	0	00	40
		494	0	00	81
		560	0	02	43
Panchmahuli	36	626	0	01	62
		627	0	01	21
		628	0	06	48
Singarpur	37	500	0	00	40
Khairbani	18	388	0	00	40
Palajori	12	1635	0	04	86
		1521	0	20	23
Baghasola	47	626	0	01	62
Dhanukudi	13	1190	0	01	21
Khajuri	17	3391	0	00	81
		3392	0	03	24
		2996	0	03	24
		1545	0	02	43
		1546	0	01	21
		1585	0	00	81
		1539	0	01	21
		1588	0	00	40
		1589	0	01	21
		1146	0	20	25
		922	0	01	21
		441	0	01	21
		3347	0	04	45
		616	0	00	40
		3348	0	00	81

1	2	3	4	5	6
		3337	0	00	81
		3376	0	01	62
		3382	0	01	62
		3383	0	07	69
		3375	0	04	45
		3378	0	02	43
		3377	0	03	24
		3312	0	03	64
		3346	0	02	43
		3338	0	02	83
		1246	0	20	23
Sudrakshipur	13	4549/5336	0	02	43
		4529	0	00	40
Anchal - Mohanpur		District - Deoghar		State - Bihar	
Village	Thana No	Plot No	Area		
			Hectare	Are	Centiare
Chakjajwara RangaTand	557	81	0	00	40
Amqaria	578	196	0	01	62
Balsara Chhit "K"	571	35	0	02	02
		34	0	05	26
		36	0	25	09
Punsia	576	329	0	00	81
		346	0	01	21
		347	0	00	40
		701	0	01	62
Medinidih	681	439	0	00	40
		356	0	02	83
Birsa	672	42	0	00	40
Jharkhandi	646	976	0	00	81
		981	0	03	24

Anchal-Sarawan		District-Deoghar			State - Bihar	
Village	Thana No	Plot No	Area			
			Hectare	Are	Centiare	
1	2	3	4	5	6	
Bishanpur	98	101	0	00	81	
Teliadih	138	6	0	00	40	
Bela	171	118	0	01	21	
Jogiatikar	243	32	0	00	81	
Koradih	240	97	0	06	48	

Anchal-Sarath		District-Deoghar			State - Bihar	
Village	Thana No	Plot No		Area		
				Hectare	Are	Centiare
1	2	3	4	5	6	
Deoli	238	567	0	01	21	

Anchal-Palajori		District-Deoghar			State - Bihar	
Village	Thana No	Plot No		Area		
				Hectare	Are	Centiare
1	2	3	4	5	6	
Bardaha	456	41	0	00	40	
		593	0	00	40	
Khaga	470	1383	0	01	21	
		621	0	02	02	
		697	0	02	43	
Saldaha	465	389	0	00	81	
Simla	625	1462	0	00	40	
		1547	0	02	83	
Amgachhi	658	166	0	01	62	
Rampur	685	317	0	00	81	

Anchal-Deoghar		District-Deoghar		State - Bihar		
Village	Thana No	Plot No		Hectare	Area	
1	2	3	4	5	6	Centiare
Garjora	6	1155	0	06	48	
		15	0	02	24	
		27	0	04	05	
		20	0	00	81	
		863	0	00	81	
Kusmaha	222	823/934	0	00	40	
		799	0	00	81	
		822	0	01	62	
Sarsa	226	985	0	01	21	
		1007	0	04	45	
		1079	0	01	62	
		1034	0	03	24	
		1044	0	04	05	
		952	0	02	43	
		953	0	03	24	
		943	0	01	62	
		826	0	01	21	
		660	0	00	40	
		690	0	06	07	
		1005	0	06	48	
		1019	0	00	81	
		680	0	00	40	
		681	0	00	40	
		1006	0	00	81	
		1004	0	03	24	
		1024	0	03	24	

1	2	3	4	5	6
		1030	0	00	40
		1031	0	02	83
		1032	0	03	64
		1029	0	01	21
		824	0	01	21
Rasmandih	228	22	0	02	43
		41	0	04	05
		45	0	05	67
		9	0	02	02
Sankari	229	1311	0	01	62
		1300	0	00	81
Goribkhal	243	44	0	05	26
		143	0	07	69
		150	0	01	21
		73	0	03	83
		72	0	02	02
		60	0	02	02
		151	0	02	43
		152	0	02	43
		156	0	00	81
		71	0	02	83
		47	0	01	62
		48	0	02	43
		45	0	01	62
		46	0	01	62
		135	0	04	45
		133	0	02	02
		139	0	03	24

1	2	3	4	5	6
		148	0	00	40
		145	0	00	40
		149	0	01	21
		155	0	00	81
Anchal-Lakhisarai		District-Lakhisarai		State --Bihar	
Village	Thana No	Plot No	Area		
			Hectare	Are	Centiare
	2	3	4	5	6
Kiul	122	1610	0	00	81
		1608	0	02	83
		1606	0	02	02
		1607	0	00	81
		1604	0	00	81
		1603	0	01	62
		1762	0	08	10
		1775	0	04	05
		1774	0	06	88
		354	0	04	05
		1773	0	08	10
		1772	0	02	02
		1776	0	00	40
		1778	0	01	62
		1759	0	02	02
		351	0	00	40
		350	0	01	62
		346	0	02	02
		347	0	00	40
		345	0	00	81

Anchal-Mokama		District-Patna		State --Bihar	
Village	Thana No	Plot No	Area		
			Hectare	Are	Centiare
1	2	3	4	5	6
Marachi	19	5991	0	00	81

[No. R-31015/12/97-OR-I]
K.C. KATOCH Under Secy.

नई दिल्ली, 25 नवम्बर, 1997

का. आ. 3033.— केन्द्रीय सरकार ने पैट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 [1962 का 50] की धारा 6 की उपधारा [1] के अधीन जारी की गई भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीख की अधिसूचना सं. का.आ. द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि के उपयोग के अधिकार का अर्जन किया गया था;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा [4] द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में उपयोग का अधिकार, जो सभी विस्तरणों से मुक्त है, इंडियन ऑयल कारपोरेशन लिमिटेड में निहित किया गया था;

और सक्षम अधिकारी ने इंडियन ऑयल कारपोरेशन लिमिटेड के परामर्श से केन्द्रीय सरकार को रिपोर्ट दे दी है कि, पैट्रोलियम के परिवहन के प्रयोजन के लिए राजस्थान राज्य में ग्राम चाकसू तहसील चाकसू से ग्राम कांकर, तहसील बहरोड तक उक्त भूमियों में पाइपलाइन बिछाई जा चुकी है अतः उन भूमियों के बारे में प्रचालन की समिति की जाए जिनका संश्लिष्ट विवरण इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट किया जाता है,

अतः, अब, केन्द्रीय सरकार, पैट्रोलियम पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन नियम, 1963 के नियम 4 के अधीन यथा अपेक्षित प्रचालन की समिति की तारीख के रूप में उक्त अनुसूची के स्तंभ 4 में उल्लिखित तारीखों की घोषणा करती है।

कनसू

तहसील : चकसू

जिला : जयपुर

राज्य : राजस्थान

क्र.सं.	का.आ.सं. व तारीख	ग्राम का नाम	प्रचालन की समाप्ति की तारीख
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1.	2765/17.10.91	चाकसू	25.4.97
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शील की झूंगरी

महसिंह पुर उर्फ लाखावस्त

दावनपुरा

सालगराम पुरा

डाहर

नांगल पूरण

मकसूदन उर्फ बाड़ा पद्मपुरा

देवकीनंदनपुरा

माथोसिंह पुरा

चक शिवदत्तपुरा नं.2

रायपुरा खुर्द

संतोषपुरा

तहसील : कसी जिला : जयपुर राज्य : राजस्थान

क्र.सं. का.आ.सं. व तारीख ग्राम का नाम प्रचालन की समाप्ति की तारीख

2. 2766/17.10.91 रत्नावत 25.4.97

बाला की नांगल

कानडवास

कुरथल

भटेसरी

मिश्रसिंह पुरा

तहसील : सांगर जिला : जयपुर राज्य : राजस्थान

क्र.सं. का.आ.सं. व तारीख ग्राम का नाम प्रचालन की समाप्ति की तारीख

1 2 3 4

3 2767/17.10.97 पालडी मीना 25.4.97

खुनियावास

हीरापुरा बांसवाड़ा

गोविन्दपुरा उर्फ मातासुखा

खोरी रोपाड़ा

गोविन्दपुरा उर्फ रोपाड़ा

सिरौली

New Delhi, the 25th November, 1997

S.O. 3033. Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No., S.O. and date as mentioned in the schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands specified in the Schedule appended to that notification;

And whereas, in exercise of the powers conferred by sub-section (4) of section-6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And whereas, the competent authority has in consultation with the Indian Oil Corporation Limited made a report to the Central Government that the pipelines for the purpose of transport of Petroleum from Village, Chaksu Tehsil Chaksu, in the State of Rajasthan to Village Kankor Tehsil Behror, in the State of Rajasthan has been laid in the said lands, so the operation may be terminated in respect of the lands the description of which in brief is specified in the schedule annexed to this notification;

Now, therefore, as required under rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in column 4 of the said schedule as the date of termination of operation.

Schedule

Tehsil: Chaksu		District: Jaipur	State: Rajasthan
SL. NO.	S.O.No. and date	Name of Village	Date of Termination of Operation
(1)	(2)	(3)	(4)
1.	2765/17.10.91	Chaksu Shil ki dungri Mahasinghpura URF lakhawas Dadanpura Salagrampura Dahar Nangal puran Maksudanpura URF bada Padampura Devki nandanpura Madhosinghpura Chak shivdaspura No.2 Raypura khurd Santoshpura	25.04.97

Tehsil: Bassi	District: Jaipur	State: Rajasthan
(1)	(2)	(3)
		(4)

2.	2766/17.10.91	Ralawata Bala ki nangal Kanarwas Burthal Bhtesri Bishansinghpura	25.04.97
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Tehsil: Sanganer	District: Jaipur	State: Rajasthan
(1)	(2)	(3)
		(4)

3.	2767/17.10.91	Palri meena Luniyawas Hirapura Banskho Govindpura URF Matasula Khorl ropara Govindpura URF ropara Siroli	25.04.97
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[No R-31015/16/97-OR-I]
K.C. KATOCH Under Secy.

नई दिल्ली, 25 नवम्बर, 1997

का. आ. 3034.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 6 की उपधारा 1 के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. और तारीख की नीचे दी गई अनुसूची में यथाउल्लिखित उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन का अधिकार प्राप्त किया था:

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त भूमियों में उपयोग का अधिकार जो सभी विस्लंगों से मुक्त है, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित किया था :

और सक्षम अधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है कि पेट्रोलियम परिवहन के प्रयोजन के लिए राजस्थान राज्य में, उक्त भूमियों में पाइपलाइन बिछाई जा चुकी है। अतः, इन भूमियों में प्रचालन की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना की संलग्न अनुसूची में विनिर्दिष्ट किया जाता है।

अतः, अब, पेट्रोलियम पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन नियम, 1963 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा प्रचालन की समाप्ति की तारीख के रूप में उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों की घोषणा करती है।

अनुसूची

क्र. सं.	का. आ. एवं दिनांक	नाम ग्राम	तहसील	जिला	राज्य	कार्य समाप्ति की घोषणा
1	2	3	4	5	6	7
1.	430/16.2.93	जामडोली	जयपुर	जयपुर	राजस्थान	8.5.97
	"	सुमेल	"	"	"	"
	"	जयसिंहपुरा खौर	"	"	"	"
2.	431/16.2.93	सायपुरा	जमुआरामगढ़	"	"	"
	"	नाबखुरा	"	"	"	"
	"	नटाटा-	"	"	"	"
	"	भानपुर कला	"	"	"	"
	"	अजबगढ़ उर्फ हांडी का बास	"	"	"	"
3.	435/16.2.97	आमेर	आमेर	"	"	"
	"	नांगल सुसावतान	"	"	"	"
	"	कूकस	"	"	"	"
	"	खोरा मीना	"	"	"	"
4.	2341/27.10.93	ठण्ड	"	"	"	"
5.	435/16.2.93	लबाना	"	"	"	"
	"	धींगपुर	"	"	"	"
	"	अनी	"	"	"	"
	"	अचरोल	"	"	"	"
	"	स्यारी	"	"	"	"
6.	2341/27.10.93	रामपुरा उर्फ बान्यावाला	"	"	"	"
7.	435/16.2.93	कालवाड कला व खुर्द	"	"	"	"
	"	चक जयसिंह नगर	आमेर	जयपुर	राजस्थान	8.5.97

अनुसूची

क्र. सं.	का. आ. एवं दिनांक	नाम ग्राम	तहसील	जिला	राज्य	कार्य समाप्ति की घोषणा
1	2	3	4	5	6	7
8.	435/16.2.93	जुगलपुरा	आमेर	जयपुर	राजस्थान	8.5.97
	"	जयसिंह नगर	"	"	"	"
	"	चन्दवाजी	"	"	"	"
	"	सालरवास	"	"	"	"
	"	चिताणू कलां एवं खूर्द	"	"	"	"
	"	बीलपुर उर्फ सुन्दरपुरा	"	"	"	"
	"	लखेर	"	"	"	"
	434/16.2.93	मनोहरपुर	शाहपुरा	"	"	"
	"	निठारा	"	"	"	"
	"	लेट का बास	"	"	"	"
9.	"	लाखनी	"	"	"	"
	"	काँट	"	"	"	"
	"	शाहपुरा	"	"	"	"
	"	जोजे खूर्द उर्फ विशनपुरा	"	"	"	"
	"	देवन	"	"	"	"
	433/16.2.93	सूरपुरा	विराट नगर	"	"	7.5.97
	"	जवानपुरा	"	"	"	"
10.	"	भाबरू	"	"	"	"
	"	बड़ोदा	"	"	"	"
	"	आतेला	"	"	"	"
	"	बागाबास अहीरान	"	"	"	"
	432/16.2.93	लाडा का बास	कोटपूतली	जयपुर	राजस्थान	24.2.97
	"	खेलना	"	"	"	"
	"	पावटा	"	"	"	"
	"	प्रागपुरा	"	"	"	"

अनुसूची

क्र. सं.	का. आ. एवं दिनांक	नाम ग्राम	तहसील	जिला	राज्य	कार्य समाप्ति की घोषणा
1	2	3	4	5	6	7
	"	किहारोद	"	"	"	"
	"	पाथरेड़ी	"	"	"	"
	"	रघुनाथपुरा	"	"	"	"
	"	गोरधनपुरा	"	"	"	"
	"	कंवरपुरा	"	"	"	"
	"	कल्याणपुरा खुर्द	"	"	"	"
	"	राहेड़ा	"	"	"	"
	"	पूतली	"	"	"	"
	"	सुन्दरपुरा	"	"	"	"
	"	बूचाहेड़ा	"	"	"	"
	"	बासड़ी	"	"	"	"
	"	बडावास	"	"	"	"
	"	रामसिंह पुरा	"	"	"	"
	"	खेड़की वीरभान	"	"	"	"
	"	खड़खड़ी	"	"	"	"
	"	मोलाहेड़ा	"	"	"	"
	"	शेखपुरा	"	"	"	"
	"	सांगटेडा	"	"	"	"
	"	खेड़की मुकुट	"	"	"	"
	"	पनियाला	"	"	"	"
	"	मोरदा	"	"	"	"
	"	मलपुरा	"	"	"	"
11.	436/16.2.93	जैनपुरबास	बहरोड़	अलवर	राजस्थान	24.2.97
	"	गूती	"	"	"	"
	"	श्यामपुरा	"	"	"	"
	"	शिमला	"	"	"	"
	"	गोकुलपुरा	"	"	"	"
	"	तलवाड-सरबिलन्द मोमनपुर	"	"	"	"

अनुसूची

क्र. सं.	का. आ. एवं दिनांक	नाम ग्राम	तहसील	जिला	राज्य	कार्य समाप्ति की घोषणा
1	2	3	4	5	6	7
	436/16.2.93	जागूवास	बहरोड़	अलवर	राजस्थान	24.2.97
	"	कल्याणपुरा	"	"	"	"
	"	नगंलारूँघ	"	"	"	"
	"	हम्भ्रापुर	"	"	"	"
	"	बौटखानी	"	"	"	"
	"	कोलीला जोगा	"	"	"	"
	"	कोलीला साँगा	"	"	"	"
	"	कोलीला राबड़	"	"	"	"
	"	माजराकाठ	"	"	"	"
	"	काली पहाड़ी	"	"	"	"
	"	जनकसिंहपुरा	"	"	"	"
	"	बेलनी	"	"	"	"
	"	शाहजहाँपुर	"	"	"	"
	"	सांसेड़ी	"	"	"	"
	"	जोनायचा खूर्द	"	"	"	"
	"	सिरयानी	"	"	"	"
	"	गुगलकोटा	"	"	"	"
	"	कांकर	"	"	"	"

[सं. आर-31015/24/97/ओ.आर.-1]

के. सी. कटोच, अवर सचिव

New Delhi, the 25th November, 1997

S.O. 3034.- Whereas, by the notifications of the Government of India in the Ministry of Petroleum and Natural Gas No., S.O. and date as mentioned in the schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands specified in the Schedule appended to these notifications;

And whereas, in exercise of the powers conferred by sub-section (4) of section-6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And whereas, the competent authority has made a report to the Central Government that the pipeline for the purpose of transport of Petroleum through the Villages in the State of Rajasthan mentioned in the schedule has been laid in the said lands, so the operation may be terminated in respect of the lands the description of which in brief is specified in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in column 7 of the said schedule as the dates of termination of operation.

SCHEDULE

S. No. 1	S.O. No. and Date 2	Name of Village 3	Tehsil 4	District 5	State 6	Date of Termination of operation 7
1	430/ 16.02.93	Jamdoli	Jaipur	Jaipur	Rajasthan	08.05.97
	"	Sumel	"	"	"	"
	"	Jaisinghpura Khor	"	"	"	"
2	431/ 16.02.93	Saipura	Jamua Ramgarh	"	"	"
	"	Naradpura	"	"	"	"
	"	Natata	"	"	"	"
	"	Bhanpur Kalan	"	"	"	"
	"	Ajabgarh Urf Handi Ka Bas	"	"	"	"

S. No.	S.O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination of operation
1	2	3	4	5	6	7
3	435/ 16.02.93	Amber	Amber	"	"	"
	"	Nangal Susawatan	"	"	"	"
	"	Kukas	"	"	"	"
	"	Khorameena	"	"	"	"
4	2341/ 27.10.93	Dhand	"	"	"	"
5	435/ 16.02.93	Labana	"	"	"	"
	"	Dhingpur	"	"	"	"
	"	Ani	"	"	"	"
	"	Achrol	"	"	"	"
	"	Syari	"	"	"	"
6	2341/ 27.10.9	Rampura Urf Banyawala	"	"	"	"
7.	435/ 16.02.93	Kailwar Kalan & Kaurd	"	"	"	"
	"	Chak Jai Singh Nagar	"	"	"	"
	"	Jugalpura	"	"	"	"
	"	Jaisingh Nagar	"	"	"	"
	"	Chandwaji	"	"	"	"
	"	Salarwas	"	"	"	"
	"	Chitanu- Kalan&Khurd	"	"	"	"
	"	Bilpur Urf Sundarpura	"	"	"	"
	"	Lakher	"	"	"	"
8.	434/ 16.02.93	Manoharpura	Shahpura	"	"	"
	"	Nithara	"	"	"	"

S. No.	S.O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination of operation
1	2	3	4	5	6	7
	"	Let Ka Bas	"	"	"	"
	"	Lakhnee	"	"	"	"
	"	Kant	"	"	"	"
	"	Shahpura	"	"	"	"
	"	Joje Khurd Urf Vishanpura	"	"	"	"
	"	Devan	"	"	"	"
9.	433/ 16.02.93	Surpura	Viratnagar	"	"	07.05.97
	"	Jawanpura	"	"	"	"
	"	Bhabru	"	"	"	"
	"	Badoda	"	"	"	"
	433/ 16.02.93	Antela	Viratnagar	"	"	07.05.97
	"	Bagawas- Ahiram	"	"	"	"
10.	432/ 16.02.93	Ladaka Bas	Kotputli	"	"	24.02.97
	"	Khelna	"	"	"	"
	"	Paota	"	"	"	"
	"	Pragpura	"	"	"	"
	"	Kidarodh	"	"	"	"
	"	Pathredey	"	"	"	"
	"	Raghunath- pura	"	"	"	"
	"	Gordhanpura	"	"	"	"
	"	Kanwarpura	"	"	"	"
	"	Kalyanpura Khurd	"	"	"	"
	"	Raheda	"	"	"	"

S. No.	S.O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination of operation
"	"	Putli	"	"	"	"
"	"	Sundarpura	"	"	"	"
"	"	Buchahera	"	"	"	"
"	"	Basedi	"	"	"	"
"	"	Badabas	"	"	"	"
"	"	Ramsinghpura	"	"	"	"
"	"	Khedki Virbhan	"	"	"	"
"	"	Kharkadi	"	"	"	"
"	"	Molaheda	"	"	"	"
432/ 16.02.93	"	Shekhpura	Kotputli	"	"	24.02.97
"	"	Sangteda	"	"	"	"
"	"	Khedki Mukut	"	"	"	"
"	"	Paniyala	"	"	"	"
"	"	Morda	"	"	"	"
"	"	Malpura	"	"	"	"
11.	436/ 16.02.93	Jainpurwas	Behror	Alwar	"	"
"	"	Gunti	"	"	"	"
"	"	Shyampura	"	"	"	"
"	"	Shimla	"	"	"	"
"	"	Gokulpura	"	"	"	"
"	"	Talwar Sarbiland Mananpur	"	"	"	"
"	"	Jaguwas	"	"	"	"
"	"	Kalyanpura	"	"	"	"
"	"	Naugla Rundh	"	"	"	"

4. No.	S.O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination of operation
1.	2.	3.	4.	5.	6.	7.
"	"	Hamjapur	"	"	"	"
"	"	Batkhani	"	"	"	"
"	"	Kolila Joga	"	"	"	"
"	"	Kolila Sanga	"	"	"	"
"	"	Kolila Rabar	"	"	"	"
"	"	Majra Kath	"	"	"	"
436/ 16.02.93		Kali Pahari Behrar		Alwar	"	24.02.97
"	"	Janaksingh- pura	"	"	"	"
"	"	Belni	"	"	"	"
"	"	Shahjhanpur	"	"	"	"
"	"	Sanseri	"	"	"	"
"	"	Jonyacha Khurd	"	"	"	"
"	"	Siryani	"	"	"	"
"	"	Gugalkota	"	"	"	"
"	"	Kankar	"	"	"	"

[No. R-31015/24/97-OR-I]
K.C. KATOCH Under Secy.

New Delhi, the 3rd December, 1997

Corrigendum

S.O. 3035.— In the notification of the Government of India in the Ministry of Petroleum and capital Natural Gas, S.O. No. 1095, dt. 27.3.1997, published in the Gazette of India, Part II, section 3 sub-section (ii), at page 2289, in the english version, for the words "Shri S. K. Brahmhatt, Competent Authority, Bharat Oman Refineries Ltd., Central India Refinery Project, 5/6, Four ways Complex, Near Satluj

Hotel, Bhuravav, Godhra-389001, Gujarat" read "Shri D. H. Raviya, Competent Authority of Central India Refinery Project, Bharat Oman Refineries Ltd., Abbasi Chambers, 2nd Floor, Near Punjab National Bank, Rajkot, 360001 Gujarat."

[No. R-31015/28/96-OR-II]
K.C. KATOCH Under Secy

नई दिल्ली, 25 नवम्बर, 1997

का. आ. 3036.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य में हल्दिया से बिहार में बरौनी तक पेट्रोलियम [कूड] के परिवहन के लिए इंडियन ऑयल कारपोरेशन लि. द्वारा पाइपलाइन बिछाई जानी चाहिए.

और उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन [भूमि में उपयोग के अधिकार का अर्जन] अधिनियम, 1962 [1962 का 50] की धारा 3 की उपधारा [1] द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिये जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री प्रवीप गोविन्दा चौधरी, सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, हल्दिया-बरौनी कूड पाइपलाइन परियोजना, पोस्ट - खंजनचक, बामुदेवपुर, जिला - मिदनापुर, पश्चिमी बंगाल को कर सकेगा।

अनुसूची

पुलिस थाना : आरामबाग		जिला : हुगली		राज्य : पश्चिमी बंगाल	
गांव	अधिकारिता सूची संख्या	प्लॉट सं०	हेक्टेयर	और	सेंटीऔर
1	2	3	4	5	6
असानपुर	78	673	0	8	19
जोसापुर	75	340	0	6	68
		302	0	1	25
चक फाजिल	57	953	0	1	69
		981	0	9	91
मंदराम	158	354	0	9	83
तराल	133	17	0	3	71
दीक्षिण रसूलपुर	132	1831	0	8	74
		1830	0	1	9
		1832	0	2	55
		1834	0	0	18
		1864	0	10	20
टरादित्या	134	1944	0	2	0
		1945	0	5	84
		1946	0	0	18
		1943	0	9	11
		1942	0	9	47
		1970	0	7	65
		1973	0	0	18
		2207	0	4	37
		1913	0	1	46
		1914	0	0	18
		1912	0	2	19
		1911	0	2	19
		1910	0	2	55

1	2	3	4	5	6
		1916	0	2	19
		1917	0	0	36
		1909	0	8	1
		1918	0	0	73
		1919	0	0	73
		1922	0	1	82
		1923	0	1	46
		1924	0	2	21
		1908	0	3	28
		1907	0	1	46
		1854	0	4	74
		1855	0	9	47
		1861	0	13	12
		1846	0	2	37
		1862	0	1	64
		1814	0	3	28
		1815	0	6	93
		1666	0	9	11
		1586	0	0	18
		1584	0	0	36
		1585	0	5	11
		1573	0	1	9
		1574	0	1	92
		1577	0	3	28
		1575	0	1	9
		1576	0	1	9
		1551	0	0	9
		1550	0	0	9
		1549	0	0	18

1	2	3	4	5	6
		1548	0	2	19
		1547	0	1	82
		1546	0	0	55
		1545	0	0	36
		1537	0	0	18
		1536	0	10	20
		1509	0	0	36
		1513	0	0	9
		1514	0	1	82
		1517	0	3	60

पुलिस थाना : खनकल		जिला : हुगली		राज्य : पश्चिमी बंगाल	
गांव	अधिकारिता सूची संख्या	प्लॉट सं०	क्षेत्र		
			हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5	6
घोरादाहा	57	7063	0	3	24
		5606	0	1	62
		4269	0	0	1
		7134	0	3	60
		7066	0	1	62
		7800	0	3	20
		7603	0	1	20
		7605	0	1	20
		7606	0	1	61
		7607	0	2	82

1	2	3	4	5	6
कृष्णा नगर	37	1027	0	0	20
जौरान	33	1291	0	10	52
		326	0	2	85
जोपालनगर	38	97	0	0	39
रामचन्द्रपुर	54	334	0	3	24

[सं. आर. 31015/23/97/मो.आर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 25th November, 1997

S.O. 3036.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas, that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by the Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the Pipeline under the land to Shri Pradip Govinda Chowdhuri, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Project, Post Office-Khanjanchak, Basudevpur, District-Midnapur (West Bengal).

Schedule

Police Station: Arambagh District: Hooghly State : West Bengal

Village	Jurisdiction List No.	Plot No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Asanpur	78	673	0	8	19
Josapur	75	340	0	6	68
		302	0	1	25
Chak Fazil	57	953	0	1	69
		981	0	9	91
Mandaram	158	354	0	9	83
Taral	133	17	0	3	71
Dakshin Rasulpur	132	1831	0	8	74
		1830	0	1	9
		1832	0	2	55
		1834	0	0	18
		1864	0	10	20
Haraditya	134	1944	0	2	0
		1945	0	5	84
		1946	0	0	18
		1943	0	9	11
		1942	0	9	47
		1970	0	7	65
		1973	0	0	18
		2207	0	4	37
		1915	0	1	46
		1914	0	0	18
		1912	0	2	19
		1911	0	2	19
		1910	0	2	55

1	2	3	4	5	6
		1916	0	2	19
		1917	0	0	36
		1909	0	8	1
		1918	0	0	73
		1919	0	0	73
		1922	0	1	82
		1923	0	1	46
		1924	0	2	21
		1908	0	3	28
		1907	0	1	46
		1854	0	4	74
		1855	0	9	47
		1861	0	13	12
		1846	0	2	37
		1862	0	1	64
		1814	0	3	28
		1815	0	6	93
		1666	0	9	11
		1586	0	0	18
		1584	0	0	36
		1585	0	5	11
		1573	0	1	9
		1574	0	1	92
		1577	0	3	28
		1575	0	1	9
		1576	0	1	9
		1551	0	0	9
		1550	0	0	9
		1549	0	0	18

1	2	3	4	5	6
		1548	0	2	19
		1547	0	1	82
		1546	0	0	55
		1545	0	0	36
		1537	0	0	18
		1536	0	10	20
		1509	0	0	36
		1513	0	0	9
		1514	0	1	82
		1517	0	3	60

Police Station: *Khanakul* District: *Hooghly* State: *West Bengal*

Village	Jurisdiction List No	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
<i>Ghoradaha</i>	37	7063	0	3	24
		5606	0	1	62
		4269	0	0	1
		7134	0	3	60
		7066	0	1	62
		7800	0	5	20
		7603	0	1	20
		7605	0	1	20
		7606	0	1	61
		7607	0	2	82
<i>Krishnanagar</i>	37	1027	0	0	20

	2	3	4	5	6
Gourari	33	1291	0	10	52
		326	0	2	85
Gopalnagar	38	97	0	0	39
Ramchandrapur	54	334	0	3	24

[No. R-31015/23/97-OR-I]
K. C. KATOCH Under Secy.

नद दिल्ली, 25 नवम्बर, 1997

का. अ. 3037 — केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा 1 के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. और तारीख की नीचे दी गई अनुसूची में यथाउल्लिखित उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन का अधिकार प्राप्त किया था:

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त भूमियों में उपयोग का अधिकार जो सभी विल्लंगमों से मुक्त है, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित किया था :

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है कि पेट्रोलियम परिवहन के प्रयोजन के लिए राजस्थान राज्य में, उक्त भूमियों में पाइपलाइन बिछाई जा चुकी है। अतः, इन भूमियों में प्रचालन की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना की संलग्न अनुसूची में विनिर्दिष्ट किया जाता है।

अतः, अब, पेट्रोलियम पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन नियम, 1963 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, अनुसूचित प्रचालन की समाप्ति की तारीख के रूप में उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों की घोषणा करती है।

अनुसूची

क्र. सं.	का. आ. एवं दिनांक	नाम ग्राम	तहसील	जिला	राज्य	कार्य समाप्ति की घोषणा
1	2	3	4	5	6	7
1.	786/28.2.95	सांतपुर	आबूरोड	सिरोही	राजस्थान	30.7.97
	"	आबूरोड	"	"	"	"
	"	तरतौली	"	"	"	"
	"	खड़ात	"	"	"	"
	"	ओर	"	"	"	"
	"	मोरधला	"	"	"	"
	"	किवरली	"	"	"	"
	"	बाडा	पिण्डवाडा	"	"	"
	"	भारजा	"	"	"	"
	"	भीमाना	"	"	"	"
	"	वाटेरा	"	"	"	"
	"	भाबरी	"	"	"	"
	"	धनारी	"	"	"	"
	"	कोदराला	"	"	"	"
2.	2395/5.9.94	रामसर	नसीराबाद	अजमेर	"	"
	"	मावशिया	"	"	"	"
	"	सूरजपुरा	"	"	"	"
	"	नेपोली	"	"	"	"
	"	गोठियाना	किशनगढ़	"	"	"
	"	आकोडिया	"	"	"	"
	"	जोरावरपुरा	"	"	"	"
	"	झीरोता	"	"	"	"
	"	दसूक	"	"	"	"

[सं. शाप-31013/24-02-97 को आ. 11]

दे. मा. कटोच, अवर माध्यम

New Delhi, the 25th November, 1997

S.O. 3037.—Whereas, by the notifications of the Government of India in the Ministry of Petroleum and Natural Gas No., S.O. and date as mentioned in the schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands specified in the Schedule appended to these notifications;

And whereas, in exercise of the powers conferred by sub-section (4) of section-6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And whereas, the competent authority has made a report to the Central Government that the pipeline for the purpose of transport of Petroleum through the Villages in the State of Rajasthan mentioned in the schedule has been laid in the said lands, so the operation may be terminated in respect of the lands the description of which in brief is specified in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in column 7 of the said schedule as the dates of termination of operation.

SCHEDULE

S. No.	S.O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination of operation
1.	786/ 28.02.95	Santpur	Abu Road	Sirohi	Rajasthan	30.07.97
	"	Abu Road	"	"	"	"
	"	Tartoli	"	"	"	"
	"	Khadat	"	"	"	"
	"	Aor	"	"	"	"

1	2	3	4	5	6	7
	"	Morthala	"	"	"	"
	"	Kiwarli	"	"	"	"
	"	Bada	Pindwera	"	"	"
	"	Bharja	"	"	"	"
	"	Bhimana	"	"	"	"
	"	Vatera	"	"	"	"
	"	Bhawri	"	"	"	"
	"	Dhanari	"	"	"	"
	"	Kodarla	"	"	"	"
2.	2395/ 05.09.94	Ramsar	Naseerbad	Ajmer	"	"
	"	Mawasiya	"	"	"	"
	"	Surajpura	"	"	"	"
	"	Nepoli	"	"	"	"
	"	Gothiyana	Kishangarh	"	"	"
	"	Aukodiya	"	"	"	"
	"	Jorawarpura	"	"	"	"
	"	Jheerota	"	"	"	"
	"	Dhasook	"	"	"	"

नई दिल्ली, 28 नवम्बर, 1997

का. आ. 3038.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 50 के अन्तर्गत इसके पश्चात् उक्त अधिनियम कड़ा किया है। की धारा 3 की उपधारा 1 के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय तारीख 23 अगस्त, 1997 को प्रकाशित अधिसूचना सं. का.आ. 2092 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन विधान के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रांतियां जनता को तारीख 03.09.1997 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा 1 के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में निर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में निर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है।

और कि केन्द्रीय सरकार उक्त धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निवेश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार ने निहित होने के बजाय सभी व्यक्तियों से राहत, रोहयन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : नवांशहर			जिला : नवांशहर		राज्य : पंजाब	
गांव का नाम	हदबस्त सं०	मुस्ततिल/ किला सं०	क्षेत्र			
			हैक्टेयर	एयर	सेंटीएयर	
1	2	3	4	5	6	
खोजा	284	46/3	0	2	53	
		7	0	14	67	
		8	0	8	09	
		13	0	6	07	
		14	0	27	31	

[सं. आर-31015/15/97/ओ.आर.-I]

के. सी. कटोच, अवर सचिव

New Delhi, the 28th November, 1997

S.O. 3038.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2092 published on 23rd Aug, 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act.), the Central government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on 03.09.1997;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declare that the right of user in the lands specified in the Schedule appended to this notification is hereby acquired;

And further in exercise of the powers conferred by Sub-section (4) of the said Act the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest, free from all encumbrances in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Nawansahar			Distt. : Nawansahar		State : Punjab	
Name of Village	Hadbast No	Mustateel/ Kila No.	Area			
			Hectare	Are	Centiare	
1	2	3	4	5	6	
Khoja	284	46/3	0	2	53	
		7	0	14	67	
		8	0	8	09	
		13	0	6	07	
		14	0	27	31	

[No R-31015/15/97-OR-I]
K C KATOCH Under Secy

नई दिल्ली, 26 नवम्बर, 1997

का. आ 3039.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में खाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में श्री एस. के. ब्रह्मभट्ट, सक्षम

प्राधिकारी, भारत ओमान रीफाइनरीज लिमिटेड, सेंट्रल इंडिया रीफाइनरी परियोजना, 5/6 - फोर वे सम्प्लेक्स, सतलुज होटल के पास, भुरावाव, गोधरा - 389 001, गुजरात को कर सकेगा ;

अनुसूची

तालुका: सावली जिला: वडोदरा राज्य: गुजरात

ग्राम का सर्वेक्षण सं./		क्षेत्र		
नाम	खंड सं.	हेक्टर आरे	सेन्टीआरे	
(1)	(2)	(3)	(4)	(5)
वरसडा	105/45/ए	0	09	97
	105/45/बी	0	10	88
	179/1 पैकी	0	06	32
	179/1 पैकी	0	22	47
	242/1/4	0	32	68
	242/1/5	0	06	60
	242/1/6	0	04	76
	242/1/6	0	08	39
	242/1/7	0	08	32
	242/1/7	0	02	35
	242/1/8	0	02	16
जाम्बुगोरल	446/1	0	04	35

[फा. सं. आर-31015/27 /97-ओआर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 26th November, 1997

S.O. 3039. Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas that for the purpose of laying such pipelines, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user

therein or laying of the pipelines under the land to Shri S. K. Brahmbhatt, competent authority of Central India Refinery Project of Bharat Oman Refineries Limited, 5/6, Four Ways Complex, Near Satluj Hotel, Bhuravav, Godhara - 389001, Gujarat;

Schedule

Taluka:Savli District:Vadodara State:Gujarat

Name of Village	Survey/Block Number	Area		
		Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)
Varsada	105/45/A	0	09	97
	105/45/B	0	10	88
	179/1 Paiki	0	06	32
	179/1 Paiki	0	22	47
	242/1/4	0	32	68
	242/1/5	0	06	60
	242/1/6	0	04	76
	242/1/6	0	08	39
	242/1/7	0	08	32
	242/1/7	0	02	35
	242/1/8	0	02	16
Jambugoral	446/1	0	04	35

[File No. R-31015/27/97-OR.II]
K.C. Katoch, Under Secy.

नई दिल्ली, 2 दिसम्बर, 1997

का. आ. 3040.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पार्श्वलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन, जारी की गई और भारत के राजपत्र, तारीख 19/7/97 के पृष्ठ 3433 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1801, तारीख 23 जून 1997 द्वारा पेट्रोलियम (कुष्ठ-आयल) के परिषहन के लिए पाइप लाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 28 जुलाई 1997 से उपलब्ध करा दी गई थीं ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाना चाहिए ।

अतः, अब, उक्त अधिनियम की धारा 6 की उपधारा (1) में प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार यह घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अर्जित किया जाता है ।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाय सभी विस्लंगमों से मुक्त होकर भारत ओमान रिफाइनरीज लिमिटेड में निहित होगा ।

अनुसूची

तहसील : बीना	जिला : सागर	राज्य : मध्यप्रदेश
ग्राम का नाम	सर्वेक्षण संख्या	क्षेत्र हेक्टेयर / आरे
(1)	(2)	(3)
हांसखेही	442/1	0.030
	451	0.470
	454	0.370
	455	0.030
	458	0.020

(1)	(2)	(3)
	459	0.200
	462	0.020
	466	0.610
	467	0.020
	468	0.220
	473	0.010
	542	0.040
	544	0.830
	546	0.030
	547	0.250
	556	0.160
पटकुई	1/1-2	0.700
	2	0.070
	3	0.260
	4	0.020
	6	0.260
	7	0.070
	18/2	0.020
	44/2	0.020
	45	0.030
	46	0.200
	47	0.250
	49	0.030
	50	0.010
	51/1	0.320
	52/1	0.020
पिपरियापुरन	73	0.450
	151	0.350
	152	0.240
	154	0.750
	155	0.030
	158	0.120
सरगोली	2/6	0.410
	3	0.160
	4	0.130
	6	0.540
	7	0.160
	9	0.010
	20	0.320
	21	0.020
मनमति	73/1	0.330
	74	0.450
	87/3	0.280
	90/1	0.190
	91/1-2	0.300
	91/3	0.200
	92	0.080
नेहरोन	6	0.010
	162	0.080
	163	0.430
	165	0.350
	166/1/2/3/4	0.350
	167	0.070

[सं. आर-31015/11/97-ओआर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 2nd December, 1997

S.O. 3040.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No.S.O. 1801 dated 23rd June 1997, issued under sub section (1) of section 3 of the petroleum and minerals Pipelines (Acquisition of Rights of User in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act), published in the Gazette of India on 19th July, 1997 at page number: 3434, the Central Government declared its intention to acquire the right of user in the lands specified in Schedule appended to the notification for the purpose of laying pipeline for the transport of petroleum (Crude oil);

And whereas the copies of the said Gazette notification were made available to the public from 28 July 1997;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas, the central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government declares that the right of user in lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in Bharat Oman Refineries Limited.

Schedule

Tehsil : Bina Dist. : Sagar State : Madhya Pradesh

Name of village	Survey nos.	Area Hectare / are
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(1)	(2)	(3)
Hansalkhedli	442/1	0.030
	451	0.470

(1)	(2)	(3)
	454	0.370
	455	0.030
	458	0.020
	459	0.200
	462	0.020
	466	0.610
	467	0.020
	468	0.220
	473	0.010
	542	0.040
	544	0.830
	546	0.030
	547	0.250
	556	0.160
Patkuic	1/1-2	0.700
	2	0.070
	3	0.260
	4	0.020
	6	0.260
	7	0.070
	18/2	0.020
	44/2	0.020
	45	0.030
	46	0.200
Pipariyapuran	47	0.250
	49	0.030
	50	0.010
	51/1	0.320
	52/1	0.020
	73	0.450
	151	0.350
	152	0.240
	154	0.750
	155	0.030
Sargoli	158	0.120
	2/6	0.410
	3	0.160
	4	0.130
	6	0.540
	7	0.160
	9	0.010
	20	0.320
	21	0.020
Mnamati	73/1	0.330
	74	0.450
	87/3	0.280
	90/1	0.190
	91/1-2	0.300
	91/3	0.200
	92	0.080
Nahron	6	0.010
	162	0.080
	163	0.430
	165	0.350
	166/1/2/3/4	0.350
	167	0.070

[No. R-31015/11/97-OR. II]

K. C. Katoch, Under Secy.

अनुसूची

तहसील : पेटलावद जिला : झाबुआ राज्य : मध्य प्रदेश

ग्राम का नाम	सर्वेक्षण सं	क्षेत्र हेक्टेयर / आरे
(1)	(2)	(3)
हाबलिया	629	0.14
	630/1 }	
	630/2 }	0.30
	630/3 }	
	630/4 }	
	637	0.05
	638/1 }	0.21
	638/2 }	
	789/2 }	0.35
	789/3 }	
	790	0.04
	791	0.27
	792	0.16
	794	0.02
	795	0.24
	798	0.24
	800	0.06
	802	0.15
	803/1 }	
	803/2 }	0.11
	803/3 }	
	816	0.08
	867	0.04
	872	0.03
	873	0.57
	886	0.06
	887	0.05
	888	0.02
	889	0.20
	896	0.07
	897	0.03
	898	0.20
	900	0.09
	948	0.61
	949	0.21
रतियावन	146	0.05
	178	0.23
	179	0.04
	185	0.45
	204/1 }	0.30
	204/2 }	
	205/2	0.01
	206/2	0.22
	211/1	0.41

नई दिल्ली, 5 दिसम्बर, 1997

का. आ. 3041 — केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र, तारीख 19 जुलाई, 1997 के पृष्ठ सं 3435 से 3442 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1802, तारीख 23 जून 1997 द्वारा पेट्रोलियम (कुड-ऑयल) के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपनेआप की घोषणा की थी ;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 28 जुलाई 1997 से उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाना चाहिए।

अतः, अब, उक्त अधिनियम की धारा 6 की उपधारा (1) में प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार यह घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमो से मुक्त होकर भारत ओमान रिफाइनरीज लिमिटेड में निहित होगा।

(1)	(2)	(3)	(1)	(2)	(3)
	214	0.02		21	0.25
	228	0.35		22	0.01
	236/1 }			27	0.35
	236/2 }	0.28		30	0.01
	236/3 }		अलीस्वाखेडी	121	0.01
	489	0.14		122	0.04
	492	0.04		123	0.01
	574	0.13		124	0.12
	575	0.08		125/1 }	
	576	0.60		125/2 }	
	579	0.38		125/3 }	0.25
	631	0.10		125/4 }	
	632	0.02		125/5 }	
	633	0.25		130	0.01
	634	0.01		131	0.03
	635	0.27		132	0.05
	636	0.17		133	0.12
	729	0.15		134	0.06
	731	0.06		155	0.12
	733	0.05		156	0.05
	734	0.10		157	0.14
	738	0.06		158	0.04
	739	0.03		159	0.10
	740	0.09		160	0.12
	742	0.08		167	0.04
	744	0.12		175	0.05
	745	0.17		176	0.20
	749/1 }	0.20		177	0.15
	749/2 }			179	0.32
	753	0.26		185	0.15
	901/1 }			207	0.11
	901/2 }	0.06		208	0.45
	901/3 }			209	0.10
	902	0.20		211	0.09
	904	0.02		212	0.02
	905	0.07		222	0.16
	906	0.12		301	0.55
	911	0.10		328	0.20
	912	0.11		329	0.19
सोयला	9	0.01		351	0.01
	10	0.11		353	0.05
	11	0.07		368	0.01
	12	0.23		369	0.03
	14	0.06		370	0.23
	15	0.18		380	0.15
	16	0.02		382	0.05
	18	0.21		383	0.18
	19	0.04		384	0.08
	20	0.08		428	0.04

(1)	(2)	(3)	(1)	(2)	(3)
	429	0.13		402	0.13
	430	0.05		403	0.25
	959 / 1	0.01		405	0.02
	959 / 2			406	0.23
	959 / 3			408	0.19
	960 / 1	0.26		409	0.12
	960 / 2			442	0.01
	960 / 3			443/1	0.33
	960 / 4			443/2	
	960 / 5			444	0.10
	960 / 6			445	0.03
	961	0.06		446	0.19
	963	0.30		447	0.03
	990 / 1	0.01		698	0.14
	990 / 2	0.07		700	0.04
	991			730	0.27
	992/1			731	0.18
	992/2	0.12		733	0.01
	993/3		मातापाखु	389	0.01
	994/4			390	0.34
	1061	0.03		392	0.28
	1062	0.08		404	0.47
	1063	0.13		405	0.08
	1074	0.06	सागड़िया	123	0.01
	1075	0.01		124	0.29
	1077	0.08		130/2	0.52
	1078	0.05		130/3	
	1079	0.11		174/1	0.27
	1084	0.02		175	0.27
	1087	0.11		176	0.06
	1088	0.12		187	0.33
	1090 / 1	0.12		188	0.26
	1090 / 2			189	0.01
	1090 / 3			190	0.08
	1090 / 4			305	0.01
	1116	0.13		306	0.27
रायपुरिया	34	0.02		307 / 1	0.21
	35	0.18		307 / 2	
	36	0.05		368	0.04
	56	0.23		374	0.38
	57	0.13		378	0.10
	58	0.11		384	0.14
	65	0.30		385/1	0.32
	66	0.12		385/2	
	83	0.18		387	0.03
	84	0.14		388	0.04
	87	0.02		389	0.27
	88	0.40		435	0.20
	122	0.10		436	0.22

(1)	(2)	(3)	(1)	(2)	(3)
	440/1/2/3	0.32		220	0.21
	441	0.04		221	0.15
	444	0.09		227	0.20
	445	0.02		228	0.06
	446	0.01		365	0.05
	460	0.25		367	0.04
	461	0.14		368	0.04
	462/1	0.01		369	0.11
	478	0.20		370	0.06
अजन बोरासी	294/2	0.01		371	0.03
	295	0.08		383	0.05
	296	0.21		384	0.27
	312	0.01		385	0.11
	313	0.22		386	0.04
	315	0.18		387	0.28
	323	0.26		390	0.22
	324	0.16		391	0.06
	473	0.44		400	0.03
	477	0.47		401	0.24
	481	0.22		402	0.01
	482	0.01		440	0.02
	483	0.03		441	0.17
	549	0.07		446	0.05
	551	0.01		448	0.39
	555	0.03		456	0.06
	556	0.07		457	0.80
	557	0.26		458	0.12
	558	0.08		459	0.06
	560	0.04		462	0.11
	580	0.24		464	0.09
	583	0.38		505	0.01
	584	0.47		506	0.26
	585	0.01		507	0.06
बावड़ी	88	0.23		511	0.08
	189	0.06		512	0.07
	190	0.10		514	0.02
	191	0.11		515	0.24
	195	0.36		516	0.01
	196	0.09		570	0.02
	197	0.21		573/1]
	198	0.05		573/2	
	199	0.11		573/3	
	200	0.01		573/4	
	200/1160	0.10		573/5]
	200/1161	0.08		575/1]
	215	0.01		575/2]
	216	0.21			
	218	0.07	बाछीखेड़ा	1984	0.22
	219	0.12		1985	0.01

(1)	(2)	(3)	(1)	(2)	(3)
	1986/1		ममती	15	0.08
	1986/2	0.29		19	0.18
	1986/3			26	0.19
	1986/4			27	0.25
	1991	0.03		28	0.40
	1992	0.12		32	0.23
	1993	0.16		33	0.31
	2080	0.01		33/206	0.01
	2081	0.28		35	0.10
	2084	0.04		36	0.20
	2088	0.29		37/1	0.01
	2090	0.05		37/2	
	2091	0.09		125	0.05
	2110	0.22		127	0.01
	2377	0.28	गम्भापाड़ा	25	0.01
सेजलिया	25/1	0.11		26	0.19
	25/2			27	0.11
	27	0.30		34	0.01
	31	0.10		54	0.23
	32	0.18		55	0.03
	34	0.10		58	0.13
	35	0.01		59	0.11
	41	0.01		60	0.06
बरबेट	6	0.50		61	0.01
	28/1	0.21		68	0.07
	28/2			69	0.17
	29/1	0.01		70	0.17
	29/2			73	0.11
	29/3			74	0.21
	29/4			75	0.11
	34	0.19		85	0.03
कचनारिया	206	0.06	डाबड़ी	6	0.02
	224	0.39		7	0.06
	232	0.06		8	0.13
	233	0.19		14	0.05
	234	0.06		15	0.01
	235	0.04		17	0.12
	236	0.04		18	0.01
	243	0.01		19	0.14
	245	0.23		20	0.01
	246	0.18		37	0.22
	273	0.28		41	0.04
	274	0.26		43	0.10
	279	0.02		44	0.11
	282	0.01		45	0.27
रूपारेल	2	0.45		46	0.15
	3	0.06		47	0.02
	4	0.06	बेगनबर्ही	581	0.05
	5	0.20		592	0.07

(1)	(2)	(3)	(1)	(2)	(3)
	593	0.03		84	0.01
	639	0.06		123	0.02
	641	0.02		124	0.30
	642	0.10		125	0.24
	643	0.08		126	0.01
	646	0.15		127	0.09
	647	0.06		156	0.27
	652	0.18		158	0.25
	655	0.04		240	0.10
	656	0.12		243	0.33
	657	0.05		269	0.01
	658	0.37		272	0.01
	661	0.04		274	0.02
	662	0.53		278/1	}
	742	0.07		278/2	
	743	0.10		278/3	
	744	0.02		283	0.11
	753	0.22		284	0.10
	754	0.09		287	0.38
	761	0.01	छायनपाख	140	0.07
	762	0.04		142	0.17
	763	0.14		158	0.21
	765	0.10		159	0.06
	766	0.13		188	0.47
	770	0.12		198	0.22
	771	0.06		199	0.35
	776	0.05	कसारबर्दी	226	0.01
	777	0.03		232	0.21
	779	0.14		234	0.20
सालपुरा	28/1	}		235	0.06
	28/2			240	0.37
	28/3			242	0.27
	39	0.03		248	0.05
	40	0.16		249	0.13
	40/378	0.03		250	0.28
	41	0.17		251	0.02
	42	0.22		252	0.12
	43	0.17		253	0.48
	44	0.12		254/1	}
	70	0.20		254/2	
	71	0.06		254/3	
	72	0.01		255	0.02
	2/381	0.05		261	0.05
	74	0.13		263	0.08
	79	0.10		265	0.36
	80	0.20		439	0.58
	81	0.02		518	0.10
	82	0.08		522	0.20
	83	0.13		523	0.33

(1)	(2)	(3)	(1)	(2)	(3)
	524/1 }	0.58		1094	0.07
	524/2 }			1095	0.08
	525	0.47		1104	0.10
	668	0.05		1105	0.09
	669	0.01		1106	0.09
	679	0.25		1107	0.12
	680	0.21		1111	0.04
	681	0.03		1115	0.43
	682	0.13		1133	0.06
	684	0.28		1136	0.13
	710 }	0.31		1139	0.16
	711/1 }			1141	0.18
	711/2 }	0.14		1142	0.13
	711/3 }			1425	0.01
	712	0.06		1426	0.03
	713	0.10		1431	0.01
	715	0.08		1432	0.05
	716	0.12		1622	0.01
	717	0.07		1631	0.12
	718	0.17		1633	0.07
	759	0.16		1634	0.02
	807/1 }			1638	0.04
	807/2 }	0.47		1639	0.01
	807/3 }			1765	0.11
	807/4 }			1766/1 }	
	808	0.40		1766/2 }	0.41
	809	0.08		1766/3 }	
	811	0.05		1766/4 }	
	812	0.10		1766/5 }	
	813	0.10		1767	0.21
	814	0.02		1768	0.03
	1011	0.42		1770	0.30
	1012	0.14		1776	0.01
	1018	0.01		1815/1 }	0.04
	1019	0.03		1815/2 }	
	1020	0.04		1818	0.10
	1021	0.22		1819	0.05
	1022	0.10		1820	0.01
	1023	0.03		1825	0.09
	1034	0.05		1826	0.10
	1035	0.12		1827	0.08
	1036	0.03		1834	0.11
	1039	0.26		1835	0.31
	1054	0.05		1836	0.02
	1060	0.34		1837/1 }	0.19
	1076	0.31		1837/2 }	
	1077	0.10			
	1078	0.01			
	1079	0.33			
	1080	0.10			

[सं. आर-31015/13/97- ओआर. II]

के. सी. कटोच, अवरसचिव

SCHEDULE

Tehsil Petlawad Dist. : Jhabua State Madhya Pradesh

New Delhi, the 5th December, 1997

Name of village	Survey Nos.	Area Hectare / arc
(1)	(2)	(3)
Zhabliya	629	0.14
	630/1	0.30
	630/2	
	630/3	
	630/4	
	637	0.05
	638/1	0.21
	638/2	
	789/2	0.35
	789/3	
	790	0.04
	791	0.27
	792	0.16
	794	0.02
	795	0.24
	798	0.24
	800	0.06
	802	0.15
	803/1	0.11
	803/2	
	803/3	
	816	0.08
	867	0.04
	872	0.03
	873	0.57
	886	0.06
	887	0.05
	888	0.02
	889	0.20
	896	0.07
	897	0.03
	898	0.20
	900	0.09
	948	0.61
	949	0.21
Raliyavan	146	0.05
	178	0.23
	179	0.04
	185	0.45
	204/1	0.30
	204/2	
	205/2	0.01
	206/2	0.22

S.O. 3041.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No.S.O. 1802 dated 23rd day of June 1997, issued under sub section (1) of section 3 of the petroleum and minerals Pipelines (Acquisition of Rights of User in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act), published in the Gazette of India dated 19th day of July, 1997, on page no.: 3442 to 3450, the Central Government declared its intention to acquire the right of user in the lands specified in Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum (Crude oil).

And whereas the copies of the said Gazette notification were made available to the public from 28 July 1997;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas, the central Government after considering the said report is satisfied that the right of User in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government declares that the right of user in lands specified in Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in Bharat Oman Refineries Limited.

(1)	(2)	(3)	(1)	(2)	(3)
	211/1	0.41		20	0.08
	214	0.02		21	0.25
	228	0.35		22	0.01
	236/1	0.28		27	0.35
	236/2			30	0.01
	236/3		Alisiya Khedi	121	0.01
	489	0.14		122	0.04
	492	0.04		123	0.01
	574	0.13		124	0.12
	575	0.08		125/1	0.25
	576	0.60		125/2	
	579	0.38		125/3	
	631	0.10		125/4	
	632	0.02		125/5	
	633	0.25		130	0.01
	634	0.01		131	0.03
	635	0.27		132	0.05
	636	0.17		133	0.12
	729	0.15		134	0.06
	731	0.06		155	0.12
	733	0.05		156	0.05
	734	0.10		157	0.14
	738	0.06		158	0.04
	739	0.03		159	0.10
	740	0.09		160	0.12
	742	0.08		167	0.04
	744	0.12		175	0.05
	745	0.17		176	0.20
	749/1	0.20		177	0.15
	749/2			179	0.32
	753	0.26		185	0.15
	901/1	0.06		207	0.11
	901/2			208	0.45
	901/3			209	0.10
	902	0.20		211	0.09
	904	0.02		212	0.02
	905	0.07		222	0.16
	906	0.12		301	0.55
	911	0.10		328	0.20
	912	0.11		329	0.19
Soyala	9	0.01		351	0.01
	10	0.11		353	0.05
	11	0.07		368	0.01
	12	0.23		369	0.03
	14	0.06		370	0.23
	15	0.18		380	0.15
	16	0.02		382	0.05
	18	0.21		383	0.18
	19	0.04		384	0.08

(1)	(2)	(3)	(1)	(2)	(3)
	428	0.04		122	0.10
	429	0.13		402	0.13
	430	0.05		403	0.25
	959 / 1 }			405	0.02
	959 / 2 }	0.01		406	0.23
	959 / 3 }			408	0.19
	960 / 1 }			409	0.12
	960 / 2 }			442	0.01
	960 / 3 }	0.26		443/1 }	0.33
	960 / 4 }			443/2 }	
	960 / 5 }			444	0.10
	960 / 6 }			445	0.03
	961	0.06		446	0.19
	963	0.30		447	0.03
	990 / 1 }	0.01		698	0.14
	990 / 2 }			700	0.04
	991	0.07		730	0.27
	992/1 }			731	0.18
	992/2 }	0.12		733	0.01
	993/3 }		Matapada	389	0.01
	994/4 }			390	0.34
	1061	0.03		392	0.28
	1062	0.08		404	0.47
	1063	0.13		405	0.08
	1074	0.06	Sagadiya	123	0.01
	1075	0.01		124	0.29
	1077	0.08		130/2 }	0.52
	1078	0.05		130/3 }	
	1079	0.11		174/1	0.27
	1084	0.02		175	0.27
	1087	0.11		176	0.06
	1088	0.12		187	0.33
	1090 / 1 }			188	0.26
	1090 / 2 }	0.12		189	0.01
	1090 / 3 }			190	0.08
	1090 / 4 }			305	0.01
	1116	0.13		306	0.27
Raipuriya	34	0.02		307 / 1 }	0.21
	35	0.18		307 / 2 }	
	36	0.05		368	0.04
	56	0.23		374	0.38
	57	0.13		378	0.10
	58	0.11		384	0.14
	65	0.30		385/1 }	0.32
	66	0.12		385/2 }	
	83	0.18		387	0.03
	84	0.14		388	0.04
	87	0.02		389	0.27
	88	0.40		435	0.20

(1)	(2)	(3)	(1)	(2)	(3)
	436	0.22		219	0.12
	440/1/2/3	0.32		220	0.21
	441	0.04		221	0.15
	444	0.09		227	0.20
	445	0.02		228	0.06
	446	0.01		365	0.05
	460	0.25		367	0.04
	461	0.14		368	0.04
	462/1	0.01		369	0.11
	478	0.20		370	0.06
Ajab Borali	294/2	0.01		371	0.03
	295	0.08		383	0.05
	296	0.21		384	0.27
	312	0.01		385	0.11
	313	0.22		386	0.04
	315	0.18		387	0.28
	323	0.26		390	0.22
	324	0.16		391	0.06
	473	0.44		400	0.03
	477	0.47		401	0.24
	481	0.22		402	0.01
	482	0.01		440	0.02
	483	0.03		441	0.17
	549	0.07		446	0.05
	551	0.01		448	0.39
	555	0.03		456	0.06
	556	0.07		457	0.80
	557	0.26		458	0.12
	558	0.08		459	0.06
	560	0.04		462	0.11
	580	0.24		464	0.09
	583	0.38		505	0.01
	584	0.47		506	0.26
	585	0.01		507	0.06
Bawdi	88	0.23		511	0.08
	189	0.06		512	0.07
	190	0.10		514	0.02
	191	0.11		515	0.24
	195	0.36		516	0.01
	196	0.09		570	0.02
	197	0.21		573/1	}
	198	0.05		573/2	
	199	0.11		573/3	
	200	0.01		573/4	
	200/1160	0.10		573/5	}
	200/1161	0.08		575/1	}
	215	0.01		575/2	}
	216	0.21	Bachhikheda	1984	0.22
	218	0.07		1985	0.01

(1)	(2)	(3)	(1)	(2)	(3)
	1986/1 }			5	0.20
	1986/2	0.29	Bhamti	15	0.08
	1986/3			19	0.18
	1986/4 }			26	0.19
	1991	0.03		27	0.25
	1992	0.12		28	0.40
	1993	0.16		32	0.23
	2080	0.01		33	0.31
	2081	0.28		33/206	0.01
	2084	0.04		35	0.10
	2088	0.29		36	0.20
	2090	0.05		37/1 }	0.01
	2091	0.09		37/2 }	
	2110	0.22		125	0.05
	2377	0.28		127	0.01
Sejaliya	25/1 }	0.11	Gabbapada	25	0.01
	25/2 }			26	0.19
	27	0.30		27	0.11
	31	0.10		34	0.01
	32	0.18		52	0.23
	34	0.10		55	0.03
	35	0.01		58	0.13
	41	0.01		59	0.11
Barbet	6	0.50		60	0.06
	28/1 }	0.21		61	0.01
	28/2 }			68	0.07
	29/1 }			69	0.17
	29/2	0.01		70	0.17
	29/3			73	0.11
	29/4 }			74	0.21
	34	0.19		75	0.11
Kachnariya	206	0.06		85	0.03
	224	0.39	Dabdi	6	0.02
	232	0.06		7	0.06
	233	0.19		8	0.13
	234	0.06		14	0.05
	235	0.04		15	0.01
	236	0.04		17	0.12
	243	0.01		18	0.01
	245	0.23		19	0.14
	246	0.18		20	0.01
	273	0.28		37	0.22
	274	0.26		41	0.04
	279	0.02		43	0.10
	282	0.01		44	0.11
Ruparel	2	0.45		45	0.27
	3	0.06		46	0.15
	4	0.06	Beganbardi	47	0.02
				531	0.05

(1)	(2)	(3)	(1)	(2)	(3)
	592	0.07		83	0.13
	593	0.03		84	0.01
	639	0.06		123	0.02
	641	0.02		124	0.30
	642	0.10		125	0.24
	643	0.08		126	0.01
	646	0.15		127	0.09
	647	0.06		156	0.27
	652	0.18		158	0.25
	655	0.04		240	0.10
	656	0.12		243	0.33
	657	0.05		269	0.01
	658	0.37		272	0.01
	661	0.04		274	0.02
	662	0.53		278/1	} 0.15
	742	0.07		278/2	
	743	0.10		278/3	
	744	0.02		283	0.11
	753	0.22		284	0.10
	754	0.09		287	0.38
	761	0.01	Chhayanpara	140	0.07
	762	0.04		142	0.17
	763	0.14		158	0.21
	765	0.10		159	0.06
	766	0.13		188	0.47
	770	0.12		198	0.22
	771	0.06		199	0.35
	776	0.05	Kasarbardi	226	0.01
	777	0.03		232	0.21
	779	0.14		234	0.20
Lalpara	28/1	} 0.15		235	0.06
	28/2			240	0.37
	28/3			242	0.27
	39	0.03		248	0.05
	40	0.16		249	0.13
	40/378	0.03		250	0.28
	41	0.17		251	0.02
	42	0.22		252	0.12
	43	0.17		253	0.48
	44	0.12		254/1	} 0.13
	70	0.20		254/2	
	71	0.06		254/3	
	72	0.01		255	0.02
	72/381	0.05		261	0.05
	74	0.13		263	0.08
	79	0.10		265	0.36
	80	0.20		439	0.58
	81	0.02		518	0.10
	82	0.08		522	0.20

(1)	(2)	(3)	(1)	(2)	(3)
	123	0.33		1079	0.33
	524/1	0.58		1080	0.10
	524/2			1094	0.07
	525	0.47		1095	0.08
	668	0.05		1104	0.10
	669	0.01		1105	0.09
	679	0.25		1106	0.09
	680	0.21		1107	0.12
	681	0.03		1111	0.04
	682	0.13		1115	0.43
	684	0.28		1133	0.06
	710	0.31		1136	0.13
	711 / 1			1139	0.16
	711 / 2	0.14		1141	0.18
	711 / 3			1142	0.13
	712	0.06		1425	0.01
	713	0.10		1426	0.03
	715	0.08		1431	0.01
	716	0.12		1432	0.05
	717	0.07		1622	0.01
	718	0.17		1631	0.12
	759	0.16		1633	0.07
	807/1			1634	0.02
	807/2	0.47		1638	0.04
	807/3			1639	0.01
	807/4			1765	0.11
	808	0.40		1766/1	
	809	0.08		1766/2	0.41
	811	0.05		1766/3	
	812	0.10		1766/4	
	813	0.10		1766/5	
	814	0.02		1767	0.21
	1011	0.42		1768	0.03
	1012	0.14		1770	0.30
	1018	0.01		1776	0.01
	1019	0.03		1815/1	0.04
	1020	0.04		1815/2	
	1021	0.22		1818	0.10
	1022	0.10		1819	0.05
	1023	0.03		1820	0.01
	1034	0.05		1825	0.09
	1035	0.12		1826	0.10
	1036	0.03		1827	0.08
	1039	0.26		1834	0.11
	1054	0.05		1835	0.31
	1060	0.34		1836	0.02
	1076	0.31		1837/1	0.19
	1077	0.10		1837/2	
	1078	0.01			

[No. R-31015/13/97-OR.II]
K.C.Katoch, Under secy.

श्रम मंत्रालय

नई दिल्ली, 7 नवम्बर, 1997

नई दिल्ली, 7 नवम्बर, 1997

का०आ० 042-: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, लॉर्ड कृष्णा बैंक लि०, कोचीन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, अर्नाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/266/95-आई० आर० (बी-1)]
पी. जे. माइकल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 7th November, 1997

S.O. 3042.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government, Labour Court, Ernakulam as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lord Krishna Bank Ltd. Cochin and their workman, which was received by the Central Government on 6-11-97.

[No. L-12012/266/95-IR(B.I.)]
P. J. MICHAEL, Desk Officer

IN THE CENTRAL GOVERNMENT LABOUR COURT
ERNAKULAM

(Labour Court, Ernakulam)

(Tuesday, the 30th day of September, 1997)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer
Industrial Dispute No. 10 of 1997 (C)

BETWEEN :

The Chairman, Lord Krishna Bank Ltd., Admn. Office,
Kalloor, Cochin-682 012.

AND

Sri. Binney P. S., Binney Nivas. P.O. Naduvilkara,
Vatanappally, Thrissur-680 614.

Representation :

M/s. P. F. Thomas &
Sunil Thomas, Advocates,
Kochi-12.

For Management.

AWARD

The Government of India as per Order No. L-12012/266/95-IR(B-I) dated 11-3-97 referred the following industrial dispute for adjudication :

"Whether the action of the management in dispensing the services of Shri Bonoy after engaging for a period from 7-3-1994 to 8-10-94 amounts to unfair Labour Practice. If not, to what relief the workman is entitled to?"

2. Registered notice to workman is returned with the postal endorsement that the addressee expired. At present no legal heirs are before me.

In the result, reference is answered holding that it abates on the ground of death of workman.

Pronounced in open court on this the 30th day of September 1997.

VARGHESE T. ABRAHAM, Presiding Officer
Ernakulam

2974 G1/97—12

का०आ० 3043-: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा ग्रामीण बैंक, बेलारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम लेबर कोर्ट, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/11/92-आई आर (बी-III)]

[संख्या एल-12012/12/92-आई आर (बी-III)]

[संख्या एल-12012/13/92-आई आर (बी-III)]

पी० जे० माइकल, डेस्क अधिकारी

New Delhi, the 7th November, 1997

S.O. 3043.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tungabhadra Gramin Bank, Bellary and their workman, which was received by the Central Government on the 6-11-97.

[No. L-12012/11/92-IR B-III]

[No. L-12012/12/92-IR B-III]

[No. L-12012/13/92-IR B-III]

P. J. MICHAEL, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated this Friday the 24th day of October, 1997

PRESENT :

Sri K. Mohanachandran, B.Sc. B.L., D.L., A.D. Presiding
Officer.

Central Reference No. 37/92

I Party

The General Secretary,
Tungabhadra Gramin Bank,
Employees Union
No. 144, Kappagal Road,
Bellary-583103.

II Party

M/s. Tungabhadra Gramin
Bank, Head Office,
Sanganakal Road,
Gandhinagar,
Bellary-583103.

Central Reference No. 38/92

I Party

Sri R. Lingagoud,
Ex-messenger,
C/o. General Secretary,
Tungabhadra Gramin Bank
Employees Union,
No. 144, Kappagal Road,
Bellary 583103.

Vs.

II Party

M/s. Tungabhadra Gramin
Bank, Head Office,
Sanganakal Road,
Gandhinagar Road,
Bellary-583103.

Central Reference No. 40/92

I Party

The General Secretary,
Tungabhadra Gramin Bank,
Employees Union,
No. 144, Kannagal Road,
Bellary-583103

II Party

M/s. Tungabhadra Gramin
Bank, Head Office,
Sanganakal Road,
Gandhinagar,
Bellary-583103.

Common Award

In the Central Reference No. L-12012/11/92-IR B-III dated 10-4-92 (registered as CR. No. 37/92) the point for adjudication is framed as follows :

"Whether the action of the management of Tungabhadra Gramin Bank, Head Office, Bellary in terminating the service of Sri B Thippeswamy, ex-messenger, is justified ? If not, to what relief the workman is entitled to ?"

In this Central Reference No. L-12012/12/92-IR B-III dated 10-4-92 (registered as CR. No. 38/92), the point for adjudication is framed as follows :

"Whether the action of the management of Tungabhadra Gramin Bank in terminating the services of Sri R. Linganaoud, ex messenger, is justified ? If not, to what relief the workman is entitled to ?"

In this Central Reference No. L-12012/13/92-IR B-III dated 10-4-92 (registered as CR. No. 40/92), the point for adjudication is framed as follows :

"Whether the action of the management of Tungabhadra Gramin Bank in terminating the services of Sri K. Parameswarappa, ex messenger, is justified ? If not, to what relief the workman is entitled to ?"

(2) In the above said three respective Central Reference Numbers 37/92, 38/92 and 40/92 Court notices were sent to both the parties usually and accordingly Sri Ganapathy Hedge, Advocate filed vakalath for the 1st parties and Sri C. S. Ramadas, Advocate filed vakalath for the 2nd parties in all the above said three Central References.

(3) The averments of the 1st party in his amended claim statement in C. R. No. 37/92 are as follows :

The date of birth of the 1st party is 1-12-1965 and he has joined the services of 2nd party as messenger in December '82 at Siriwar branch. The 1st party had continuously worked from December '82 to March '86 as Class IV employee against permanent vacancy of messenger. Then one Sri Chanana Gowda was posted as regular messenger to the Siriwar branch of 2nd party in March '86 and on his posting the 2nd party had terminated the services of the 1st party stating that his services were not required anymore. Anyhow the 2nd party was utilising the services of the 1st party during leave vacancy of Sri Chanana Gowda.

(4) The 1st party had worked continuously for more than 240 days as defined under Section 25-B of the I.D. Act. But the 2nd party did not comply with the provisions of Section 25-F (a)(b) of the I. D. Act before terminating the services of the 1st party in March '86. Hence, the termination of the 1st party leads to illegal retrenchment and as such not sustainable. This case of the 1st party does not come within the ambit of Section 2(oo) (bb) of the I. D. Act, as the termination of the 1st party was not as a result of non-renewal of the contract of employment between the 1st party and 2nd party on its expiry.

(5) After termination, the 1st party had submitted many representations to the 2nd party requesting to reinstate and regularise his services. But the 2nd party neither considered his representations nor reinstated and regularised his services. On the other hand the 2nd party had regularised the services of several other employees who were victimised like 1st party. Moreover the 2nd party had sufficient and adequate work to regularise the services of the 1st party. Therefore the action of the 2nd party in terminating the services of the 1st party without regularising the services amounts to unfair labour practice. Hence the termination of the 1st party is not justified and as such the 2nd party has to reinstate the 1st party in his original post of messenger with all the benefits.

(6) The averments of the 2nd party in their written statement in C.R. No. 37/92 are as follows :

The 1st party was a minor in 1982 when he is stated to have been engaged and in March '86 when his services were dispensed with. The Siriwar branch appears to have utilised the services of the 1st party who was a minor ignorant of the irregularity of its action and accordingly the irregular action cannot and will not vest any right in the 1st party to claim regular employment. On notice of the irregularity committed by the Siriwar branch, the 2nd party had instructed the branch to discontinue the services of the 1st party immediately as he was a minor. The same was complied with. Hence, the 1st party cannot complain that his services have been illegally terminated. There was no need to recruit any new person to fill-up the post as the requirement could be met by deploying the existing staff. Of course the services of the 1st party were utilised during leave period of Sri Chanana Gowda. Though the 1st party had attained the age of majority there was no legal impediment on the 2nd party to engage the services of 1st party as the engagement was only of casual in nature during the leave vacancy of regular employee. As such the 1st party cannot claim any right for regular employment.

(7) The 1st party had not worked continuously for more than 240 days as defined Under Section 25-B of the I.D. Act and the record will prove to that effect. The plea of the 1st party is without any basis and is untenable. The said plea that termination is not a case of non-renewal of the contract of employment between the 1st party and the 2nd party on expiry of the period and that it does not come within the ambit of Section 2(oo) (bb) of I. D. Act is not correct. Whenever the services of the 1st party were utilised by Siriwar branch the same was done only on day-to-day basis on daily wages. His contract of employment will come to an end on the conclusion of the work for the day and was not renewable. In case, if his service was required for the next day he will be re-employed afresh. Therefore, the 1st party is squarely covered by Section 2(oo) (bb) of the I.D. Act. Assuring without admitting that the discontinuance of his service in March '86 as he was a minor at that time can be treated as termination of service within the meaning of the provisions of the I.D. Act.

(8) The 1st party cannot be considered for regular employment as he was a minor and did not satisfy the recruitment norms. Moreover the 2nd party did not regularise the services of several other employees, who were in similar circumstances like 1st party. The 1st party is not entitled to any reliefs sought for by him. As per Government of India guidelines the 2nd party for recruiting candidates should call the applications from employment Exchange and select only those candidates who satisfy the recruitment norms (i.e.) age, qualification etc. Hence, the prayer of the 1st party for regular employment would be to put a premium on his irregular appointment and given him undue advantage over the appointment from regular market and would frustrate and defeat the object of enacting such statute like the Employment Exchange Act and would pave the way to irregularity, illegality and even corruption.

(9) The brief averments in the additional written statement of the 2nd party in CR No. 37/92 are as follows :

The amendment of the date of birth of the 1st party as 1-12-65 in place of 1-12-1968 as mentioned earlier by the 1st party in his claim statement, after

evidence had been let in on the basis of the pleadings, is unsustainable in law, it is therefore invalid and has no effect since the very inception of the dispute the 1st party had based his case on the plea that his date of birth is 1-12-68 and the 2nd party had dealt with his case on the said representation. Hence, it is not open to the 1st party at this belated stage to plead that his date of birth is any date other than 1-12-68. The certificate dated 2-7-93 issued by the Head Master, Government Higher Primary School, Surwar, Belary Taluk which is produced as Ex. W3 by the 1st party is a concocted document, brought for the purpose of the case during the pendency of the case before this Tribunal. The 1st party being the Vice-Chairman of the said School has got a false certificate by exercising undue influence. The Ex. W4 (i.e.) the Employment Registration Card is a mistake as alleged by the 1st party is also not true. The documents filed by the 1st party for change of his date of birth are not brought in a manner required under law. Hence, the plea of the 1st party regarding his date of birth cannot be accepted. Therefore in all aspect the reference has to be rejected.

(10) The brief averments of the 1st party in his claim statement in CR No. 38/92 are as follows :

The 1st party joined the services of 2nd party on 31-12-88 as messenger in the Sovenahalli branch. The then branch manager of 2nd party refused the employment to the 1st party on 8-11-89 without assigning any reason and also refused to issue any termination order in writing. A service certificate was issued to the 1st party on 8-11-89 after repeated request was made by him. Then the 1st party often requested the 2nd party to reinstate him but it was not considered. Even the 1st party was not issued with chargesheet, memo, show-cause notice etc. towards any misconduct and performance in his service.

(11) The 1st party worked as whole time messenger in the Sovenahalli branch continuously from 31-12-88 to 8-11-89. Hence, the oral refusal of employment to the 1st party by the then Branch Manager with effect from 8-11-89 amounts retrenchment as defined under Section 2(oo) of the I.D. Act. The 2nd party in order to accommodate a person of their choice had terminated the services of 1st party before the completion of one year continuous service. Therefore the action of the 2nd party is an unfair labour practice and victimisation.

(12) The termination of the 1st party is not a case of section 2(oo) (bb) of the I.D. Act as alleged by the 2nd party, for the simple reason that the termination of the services of the 1st party was not as a result of the non-renewal of the contract of employment between the 1st party and 2nd party on its expiry. Also the termination of the services of the 1st party by way of oral refusal of employment with effect from 8-11-89 is illegal, improper and unjustified. Therefore, it is prayed for an order to that effect that the action of the 2nd party in terminating the services of the 1st party is not justified and the 2nd party has to reinstate the 1st party in his original post of messenger with full back wages, continuity of service and all the consequential benefits.

(13) The concised averments of the 2nd party in their written statement in C.R. No. 39/92 are as follows :

The reference made under the I.D. Act is unsustainable in law. The 1st party approached the conciliation officer for the first time belatedly after two years in October '91 with the grievance of his service having been discontinued from 8-11-89 hence on the ground of delay and laches this reference has to be rejected. The services of the 1st party were utilised in Sovenahalli branch during the absence of and in the place of the regular messenger and as such his engagement was a casual in nature and was purely on day-to-day basis. Even during such casual engagement his work and conduct was not satisfactory and he even tried to manhandle the Manager.

(14) The 1st party was not in regular employment. Therefore the question of terminating his services or assigning any reason for not engaging his service does not arise. The 1st party forced the Branch Manager to issue a service certificate dated 8-11-89 by coercion and by threats. The Branch Manager of the 2nd party was not authorised to issue such certificate and there was no reason to issue such certificate as he was engaged in casual vacancies and was not a regular employee.

(15) Since the services of the 1st party had been utilised purely on casual vacancies in the place of the permanent incumbent, the question of issuing any show cause notice, charge-sheet or memo would not arise. It is not correct to say that the 1st party was working as a whole time messenger in the Sovenahalli branch of the 2nd party and that too continuously at the said branch from 31-12-88 till 8-11-89 and that his non-employment amounts to retrenchment as defined under Section 2(oo) of the I.D. Act. Hence, it is denied. Therefore, the non-employment of the 1st party is neither illegal nor improper and unjustified as alleged and accordingly the 1st party is not entitled for any reliefs.

(16) As per the guidelines prescribed by the Government of India persons to be appointed as part time daily wagers have to be appointed only after inviting applications from Employment Exchange. After interviewing them and ensuring that they satisfy the recruitment norms then the names of the selected candidates have to be recommended to the Head Office of the 2nd party and the Head Office has to approve the selection. So if the request of the 1st party for regular appointment is to be considered to, it would result that a person who was a beneficiary of irregular appointment getting an undue advantage over the appointment from regular market and would frustrate and defeat Employment Exchange Act and would open the flood gates of irregularity, illegality and even corruption. Hence, on this ground the 1st party is not entitled for any relief and accordingly the prayer of the 1st party has to be rejected with costs.

(17) The concised averments in the claim statement filed by the 1st party in CR No. 140/92 are as follows :

The 1st party joined the services of 2nd party as Messenger at Harapanahalli branch and had continuously worked from 28-2-90 to 10-11-90 as Class IV employee. The 2nd party terminated his services on 11-11-90. The 1st party had worked against sanctioned post which is a regular vacancy and the nature of duties performed by him were regular and permanent. The 1st party also requested the 2nd party to regularise his service. But without regularising the services the 2nd party had terminated the 1st party on 11-11-90 without any valid reasons. The 1st party belongs to Scheduled Tribe category. So the 2nd party could have reinstated him to fill up the backlog. No reasons were specified by the 2nd party while terminating the services of 1st party. The 2nd party terminated the services of the 1st party to avoid completion of 240 days continuous service and also his regularisation. Hence the action of the 2nd party in terminating the 1st party leads to unfair labour practice and victimisation.

(18) Further the termination of the 1st party amounts to retrenchment as defined under Section 2(oo) of the I. D. Act. Again the termination of the 1st party will not come within the ambit of Section 2(oo) (bb) of the I.D. Act as the termination of the services was not as a result of the non-renewal of the contract of employment between the 2nd party and the 1st party on its expiry. Therefore, it is prayed for an order that the termination of the 1st party by 2nd party is not justified and therefore, the 2nd party has to reinstate the 1st party in his original post of messenger with all the benefits.

(19) The brief averments of the 2nd party in their written statement in C.R. No. 40/92 are as follows :

The services of the 1st party were utilised in place of regular messenger and during his absence to render the duties of a messenger purely as casual labour on daily wages and on day-to-day basis. The

contract with the 1st party will end on the conclusion of each day. The termination of the 1st party on 11-11-90 without any valid reasons is imaginary and is invented for the purpose of this case. The vacancy in backlog & scheduled case and scheduled those candidates for the cadre of messengers is a false allegation, and even such backlog exists means the same has to be filled by following the normal recruitment procedure and not by employing the 1st party straight away as stated. The 2nd party is the authority to take decision about the strength of staff needed and the deployment of the staff. Hence, the 1st party cannot have any say in the matter nor is he competent to do so. The allegation of the 1st party that the termination of the 1st party amounts to retrenchment as defined under Section 2(oo) of the I. D. Act is baseless and untenable. The 1st party's services against the absence of the regular messenger was taken on a day-to-day basis 125 on daily wages and his contract of employment will end on the conclusion of the work for the day and was not renewable suppose if the 1st party service is required for the next day, he was again employed afresh.

(20) The question of reinstatement of the 1st party with all the benefits does not arise in the facts and circumstances of the case. As per Government of India guidelines appointment or daily wages have to be made only after calling application from the Employment Exchange and after interviewing them and ensuring that they fulfil the requirements (i.e.) age, qualification etc. The names of the selected candidates have to be recommended to the Head Office of the 2nd party and in turn the Head Office of the 2nd party will select the candidates. Therefore, if the request of the 1st party for regular employment is to be acceded to, it would result that a person who being a beneficiary of irregular appointment getting an undue advantage over the appointments from regular market and would frustrate and defeat the Employment Exchange Act and will pave the way to irregularity, illegality and even corruption. Hence, the reference made has to be rejected with costs.

(21) The above said three references admittedly would involve common question of law. That apart in all the said Central References the 2nd party and counsel for the 1st party are one and the same person. Therefore, counsel for both the parties have filed joint memo stating that since common evidence have been recorded in the above said three cases common award may be passed. Accordingly counsel for both the parties have filed their respective common written argument. Hence, this common award is passed.

(22) But anyhow for appreciation of the facts and for the sake of convenience, I am of opinion that it is proper to discuss about the facts of individual case separately though we can have a common discussion about points of law.

(23) So long as Sri Thippesamy the 1st party in Central Reference No. 37/92 is concerned, his contention in his case could be that though he had agreed that in his previous pleadings (i.e.) prior to amendment his date of birth was given as 1-12-1968 but subsequently he claims that his correct date of birth would be 1-12-1965. The above said correction in his pleadings was made by way of amendment in spite of vehement oppose of 2nd party but as per order of this Tribunal dated 1-12-94, that too at the stage of argument after recording evidence of both the sides.

(24) To substantiate the above said change on date of birth, the 1st party filed two documents namely Exs. W-3. The Ex. W-3 is a carbon copy of a certificate issued by one Headmistress of Government Higher Primary School, Siriwar, Bellary Taluk to which the 1st party is admittedly a Vice Chairman. According to the said certificate Ex. W-3 his date of birth is 1-12-65. But unfortunately the above said carbon copy had not been proved through a proper person or substantiated with the relevant school record as mentioned in Ex. W-3. Therefore, as correctly pointed out by the learned counsel for the 2nd party Ex. W-3 cannot be accepted to be a valid proof for the alleged "correct date of birth". But at the same time and unfortunately for the 1st party, he himself had marked one Employment Exchange registration card as Ex. W-4 issued on 12-6-89 by a Govern-

ment authority and in which the date of birth of the 1st party workman is specified as 1-12-68. It can be easily presumed that the said date of birth as 1-12-68 would be registered only on the particulars given by the 1st party. No explanation is offered by the 1st party as to how and why his relied document Ex. W-4 would show such a date of birth.

(25) Again the 1st party as WW-1 further marked Ex. W-5 (i.e.) one duplicate transfer certificate issued by a school to show that he had studied 6th standard and English for 9th standard in the year 1980-89 and again with his date of birth as 1-12-68. But he has miserably forgotten to note one fact namely he himself has given one letter Ex. M-13 to the 2nd party in which he had stated that he left the studies in his 6th standard that too in the year 1982 and joined in the Bank in the same year and served upto 1986. If that be the case how could it be possible for the 1st party to study in the 9th standard in the year 1989. No explanation or clarification given by the 1st party regarding these discrepancies, but on the other hand he himself admitted in his cross-examination that while he was studying 6th standard at his age of 17 years he joined in the 2nd party Bank. That apart if really his date of birth could be 1-12-68 and he had studied 8th standard in the year 1988-89 as shown in Ex. W5, it leads to the fact that at the age of 21 years he had studied 8th standard. No point of imagination one could think that a person who studied in the 8th standard at his age of 21 years. But even as per his own document Ex. W3 a carbon copy of a certificate issued as a proof of his alleged correct date of birth would show that his name has been registered copy of a certificate issued as a proof of his alleged correct under the registration No. 467 in the year 1971-72. If so, probably he would have joined in that school in the 1st standard in the year 1971-72. If that be the case, how could he study 8th standard at his 21 years as shown in document Ex. W5. It is highly relevant to mention that those two documents namely Exs. W3 and W5 were issued by the authorities of the government school of the same place. He also admitted in his evidence that he was a Vice President of Betterment Committee of Higher Primary School, Siriwar (which issued Ex. W5) for the last three years. He was also suggested by the 2nd party counsel that he had misused his office of Vice President and secured Ex. W3. In such circumstances I am of the opinion the Exs. W3 and W5 cannot be accepted as a valid documents.

(26) Further if we peruse Ex. M13 which contain the admitted signature of the 1st party namely Ex. M3(a) and Ex. W4 along with the peculiar circumstances and conduct of the 1st party which prompted him to correct his date of birth belatedly (as deposed by him at page 4) would prove that his date of birth could be only 1-12-68 and not 1-12-65 as subsequently pleaded and accordingly spoken by the 1st party. The 1st party also not filed any other order of a competent court for the change of his date of birth from 1-12-68 to 1-12-65. But on the contra he deposed at page 4 of deposition "I have not informed the Branch at any time that my date of birth is 1-12-65. Bank Daklas show that my date of birth is 1-12-1968". Hence, the certificate issued by a Headmistress (Ex. W3) of one school to which admittedly the 1st party himself is a Vice President regarding change of date of birth and other alleged school certificate shows his education (Ex. W5 & W6) cannot be accepted. Since he himself admitted in his cross at page 4 of his deposition that "I have not informed the Branch at any time that my date of birth is 1-12-65. Bank Daklas show that my date of birth is 1-12-68", it is clear that on the date of his joining in the 2nd party Bank in the year 1982 and the alleged termination in the year March, 1986, workman Thippesamy could be only during the period of his minority.

(27) But as per the relevant Government orders Ex. M5 (i.e.) dated 8-10-84 issued to the Regional Rural Banks under which the 2nd party bank is listed had been directed to follow the below mentioned instructions for the recruitment of full time messenger from part time messengers-cum-sweepers who would have been engaged as per previous orders of the Government of India under Ex. M1(a) and M2(a) dated 27-9-1980 and Ex. M4(a) dated 16-12-1980 followed by the circular of the 2nd party bank under Ex. M10 dated 8-6-1981. At (paragraphs 5 and 6) of the said Government order Ex. M5(a) it has been directed as follows:

(in the middle of the para 5)

"..... It is recommended that the educational qualification of full standard be prescribed as essential for recruitment to the cadre of messengers in the KKBS. The minimum age of recruitment of messengers may be 18 and maximum 26. The recruitment of messengers may be made by KKBS after due screening process from amongst the persons that may be recommended by the appropriate employment exchanges located in their respective areas of operations."

Further para 6 would show as follows;

"The daily wage workers presently employed by the KKBS may be screened by them and subject to their meeting the educational qualifications stipulated above and their being within the stipulated age group subject to credit being given to them for the period of service with the KKBS—they may be given regular appointments in the cadre of 'messengers'".

(28) Further the Ex.M6(a) i.e. the circular dated 8-11-85 issued by the Head Office of the 2nd party Bank based on the instructions issued by Government of India order Ex.M5-(a) would specify the age limit and educational qualification for the recruitment of full time messenger-cum-sweeper in 2nd party bank from the candidates who have worked as part time daily wage/part time messenger-cum-sweeper taking into consideration of the said Government order Ex. M5(a) (at column 6a to 6e) which specifies as follows :—

- (a) "As at 31-12-84 there are about 39 branches which are eligible to have full time messengers and 3 messengers are required at Head Office as per the Government of India guidelines.
- (b) The candidate should not have crossed 26 years at the time of appointment as Part Time Daily wage, Part Time messenger cum Sweepers.
- (c) He should have passed minimum of 8th standard.
- (d) Taking into account the existing No. of Part Time Messengers cum Sweepers it is decided to screen the performance of Part Time messenger cum Sweeper taking into account the service and their work performance as Part Time Messenger cum Sweeper/Daily wagers.
- (e) Those who will come out successful in screening test will be absorbed as Full Time Messengers in regular pay scales shortly."

(29) Therefore, as detailed above, since the 1st party Sri. Thippesamy was working only during the period of his minority and the said Government orders and circulars were issued and had come into force during the same period hold that the 1st party cannot be a proper and valid candidate for consideration of the post of Full Time Messenger or Sweeper. Again, even the 1st party, apart from his own pleading, himself admitted in Ex.M10 that he joined as a Part Time Sweeper and Daily wage. He also admitted in his evidence that he had worked only as a Part Time Sweeper and on his termination one regular employee Sri. Chanana Gowda was transferred to his place. Therefore, it is clear from the evidence on facts that the 1st party Thippuswamy worked only as a Part Time worker in the 2nd party Bank but not eligible for consideration of any full time job and hence he had been terminated from the post of temporary Daily Wage as per instructions of Head Office of 2nd party Bank under Ex. M8 dated 12-2-1986. (Regarding the points of law based on the Authorities, I will discuss in infra).

(30) Regarding the 1st party in C.R. No. 38/92 namely Sri R. Lingana Gowda though he had stated in his pleadings that he was working as whole time Messenger in the Sovana-halli branch of the 2nd party as he was continuously working from 31-12-88 to 8-11-89. In this evidence as WW3 he had admitted at para 4 of his evidence that—

"my wages were given to me once in a fortnight".

"I was not recruited through employment exchange". Therefore, the above said evidence of the 1st party Sri. Lingana Gowda, would show that his claim namely as a full time messenger is wrong, but his own presumption probably for the purpose of this case.

(31) Further he marked Ex. W10 a school mark sheet to show that he studied upto 8th standard. He not only failed to prove Ex. W10 through any proper authorities or with relevant school records but Ex. W10 itself is only for completion of 7th standard and not 8th standard. Again though in his chief examination he claimed, that he had studied upto 8th standard but in cross-examination he clearly admitted that,

"When I joined the 2nd party I had completed 7th standard, I have not passed 8th standard I have studied 8th standard

But he had not filed any document to substantiate his said claim. His further document Ex. W11 is also not lend any support to him in this regard.

(32) In such circumstances the above said order of Government of India Ex.M5(a) together with the said circular issued by the Bank-Ex.M6(a) would prove that unless and until a Part Time Messenger or Sweeper satisfied the specified educational qualification of 8th standard he is not eligible for further consideration of a full time messenger or sweeper. So long the 1st party Sri. Lingana Gowda is concerned there is no barrier in question of his date of birth or age on the date of joining the 2nd party as a Part Time Messenger cum Sweeper. In such circumstances I find that as per the said Government order or rules framed by the competent authority of the Bank, the 1st party Lingana Gowda cannot claim that he should be absorbed or reinstated as full time messenger cum Sweeper by 2nd party Bank. (Regarding common point of law for the 1st party Sri. R. Lingana Gowda I will discuss below).

(33) So far as the case of 1st party in C.R. No. 40/92 Sri K. Parameshwarappa is concerned, he claims, like the other two workmen, that he had also worked as Full Time Messenger continuously from 28-2-90 to 11-11-90 and therefore as a Full Time worker he cannot be terminated and hence he is entitled for an order of reinstatement. According to the objection raised by the 2nd party since the said 1st party Sri. K. Parameshwarappa was working as a Part Time Messenger he cannot be reinstated on regular basis on the ground that he had not appointed in accordance with order of the Government of India and rules framed by the 2nd party (under Exs. 5a and M6a respectively). Though the 1st party had claimed that he was working as a regular messenger he admitted as WW2 even in his chief examination that he only worked in the 2nd party as Part time messenger for one year and at that time there was no regular messenger in the said Bank. He further deposed as WW2, in para 4 of his evidence that,

"I do not know whether I was appointed when peon Sri. Panchaksharayya was on leave"

He also admitted that;

"My wages would be paid once in a week or once in fortnight. I have not produced any document to show that I belong to S.T. I was not recruited through EE."

Hence the documents marked by WW2 (i.e.) Exs. W7 to W9 are in no way help the 1st party Sri. K. Parameshwarappa as those documents had not been proved properly and Ex.W8 is cannot be accepted as a valid documents to prove his age.

(34) But as per the evidence of MW1 namely Sri. Parameshwarappa, the officer of the 2nd party Bank, all the above said three workmen were working only as daily wage/Part time employees and that on the receipt of the Government orders and instructions from Head Office of the Bank, their recruitment were found improper and irregular and hence all of them had been terminated on the ground regarding their age and educational qualification.

(35) The MW2 Sri. Srinivasa Rao, the Manager of the 2nd Party Bank also corroborated the evidence of MW1 to show that when 1st party workman Sri. Thippesamy was engaged as a Part Time Sweeper he was only 14 years old and he was had discontinued in the year 1986 and at that time the said witness MW2 was the Manager of the said Bank. Therefore the entire material evidence placed both oral and documentary would show that all the above said three workmen have been appointed at the beginning stage though not under the rules but subsequently their services could not be absorbed as a Full time Messenger-cum-Sweeper as per the said orders of the Government and specified instructions issued by the Head Office of the Bank.

(36) Regarding the common points raised by both the parties on the question of law I would like to consider first as to whether the admitted termination of all the three workmen would amount to be a retrenchment as defined in the Section 2(oo) of I.D. Act or would it come under the exception of retrenchment defined under Section 2(bb) of the Act, as alleged by the 2nd party. All the three workmen had claimed that they have served as Full time worker for more than a continuous period of 240 days and hence their termination by the 2nd party without any prior notice would become invalid under Section 25-F of I.D. Act. But, there is no positive proof on the side of the said three workmen to show that all of them had worked as a Full time worker for a continuous period of 240 days or more nor they sent for any documents from their management 2nd party to substantiate their above said claim.

(37) But on the other hand, the 2nd party even from the stage of pleadings, emphatically denied that none of the said three workmen had worked for a continuous period of 240 days nonetheless for full time worker. The evidence of MW5V and 2 would also corroborate and support the above said claim of the 2nd party. In such circumstances, it cannot be expected from the 2nd party to place positive proof to show that the three workmen had worked for a continuous period of 240 days. But the 2nd party had taken a stand to say that all the three workmen had been engaged only as a temporary daily wagers and that they never worked or considered as a Full time worker. The above said plea and evidence placed on the side of the 2nd party together with their own admissions of the said three workmen in their respective evidence before this Tribunal, would show that they had never been paid any monthly salary but paid wages once in a week or once in two weeks. Even the workman Sri. B. Thippesamy in his chief examination itself, that too in the beginning of his evidence, had deposed that :

"There was no full time messenger in the Bank when I was working".

(38) That apart even his claim statement at paragraphs 2, 3 and 4 the workman Shri B. Thippesamy had averred that his work was not regularised and that the 2nd party had engaged services of the 1st party during the leave vacancy of Shri Channana Gowda and on return of Shri Channana Gowda the said workman was terminated. Therefore it is clear that Shri B. Thippesamy was allowed to work only in the leave vacancy of a regular messenger and not as a another regular messenger or a full time worker as alleged by him. But that apart, as I discussed above, either during his appointment or at his termination the workman Shri B. Thippesamy was only a minor. Hence I am of opinion that in view of the above quoted Government directions the workman Shri B. Thippesamy cannot claim any right as a regular worker and seek shelter under Section 25-B or under section 25-F (a) and (b) of I. D. Act and therefore his termination would not come under the ambit of Section 2(oo).

(39) Further, regarding the appointment given to the workman Shri B. Thippesamy during his age of minority, as I pointed out earlier, there are ample

proof placed even on the side of the 1st party, to hold that he must be only a minor during those periods of appointment and termination as claimed by the 2nd party. Therefore, I am of the view that he cannot claim any right for any further regular appointment as Full time worker, since his appointment itself would become an illegal. So far the other two workmen namely Shri Lingana Gowda (CR No. 38/92) and Shri Parameshwarappa (CR. No. 40/92) are concerned, they also claimed, that since because they worked for a continuous period of 240 days and more they were entitled for an order of appointment as a regular or full time worker and hence their termination must become illegal.

(40) The learned counsel for the workmen had also argued that the above said three workmen had put a continuous service of more than 240 days respectively and that the said 240 days must be included with holidays on Sundays and other public holidays and hence they were entitled for all the benefits of a workman under Section 25-F of the I. D. Act and their termination without prior notice would hit Section 2(oo) read with Section 25-G and so the termination would become invalid. He relied on the following four authorities (i) 1985 (F-51) LLR Page 481 (Supreme Court) (The workmen American Express International Banking Corporation v. Management of American express international Banking Corporation), (ii) 1995 (1) LLJ Page 973 (High Court of Patna) (Mithileshkumar Singh v. State of Bihar and others), (iii) 1991 (II) LLJ, Page 130 (High Court of Rajasthan) (Prabhubdayal Jat and Alwasahakar Brumvikas Bank Ltd. and others), and (iv) 1990 (VI) SLR Page 791, (High Court of Rajasthan) (Chagganlal v. Panchayat Samiti and another).

(41) Though the above said four judgements of Hon'ble Supreme Court and other High Courts had laid down the legal principles namely if a workman is allowed to work for a continuous period of 240 days and more inclusive of Sundays and other public holidays he would become a workman under Section 25-F. But if we carefully peruse the entire versions of the said four judgements, it would be clear that their Lordships had no chance to discuss about the facts about any appointment in the age of minors nor about any illegal appointments. Hence, with respect I am of the opinion that the four rulings under those authorities are not applicable to the facts of the present case. Therefore, I am unable to find any force in the argument of the learned counsel for the 1st party.

(42) Because by relying on latest judgements of our Honourable Supreme Court cited in (i) AIR 1993 Supreme Court, Page 789 (Delhi Development Horticulture Employees Union v. Delhi Administration and others) (ii) 1994 (1) LLJ, Page 5 (Allahabad High Court) (Jahir Hussain v. Engineer in Chief Irrigation department and others) the learned counsel for the 2nd party argued that even for arguments sake but without admitting the cases of the present three workmen, ever of continuous service for a period of 240 days or more alone could be the only criteria for a temporary daily wages for their appointment as regular or

Full time worker, and that if there were any contra and specific rules or orders of the Government, for regular appointment they should be considered and those rules and directions of superior Head Office or Government order as in the present case would prevail and should be followed and not the alleged period of service.

(43) In the above cited judgement of our Honorable Apex Court, reported in AIR 1992 Supreme Court Page 789 Their Lordships at para 15 had observed as follows :—

“Apart from the fact that the petitioners cannot be directed to be regularised for the reasons given above, we may take note of the pernicious consequences to which the direction of or regularisation of workmen on the only ground that they have put in works 240 days or more days, has been leading.”

In another judgement cited 1994 (1) LLJ Page 5 (High Court of Allahabad) at para 7 Their Lordships had given their following verdict :

“Merely because an employee has worked for two or three years he cannot claim regularisation of service as a matter of right. For regularisation, as mentioned before, there must be both posts and funds and the need for retention of the employee according to the requirement of work. That apart he must be qualified and the work and conduct of such employee must also be satisfactory. It is also to be considered whether appointments on ad-hoc/daily wage basis have been made against the leave or casual vacancies. In cases of appointment on such vacancies there would hardly be any scope for regularisation. These and various other factors have to be taken into consideration before deciding the question as to whether service of an employee appointed on ad-hoc/daily wage basis should be regularised. Regularisation cannot be made as a ‘rule of thumb’ on the basis of completion of certain years of service of such an employee. It all depends on various facts, some of which have been mentioned above and it is for the employer to decide as to whether in view of the facts and circumstances of the case, the services of those employees who were appointed on ad-hoc/daily wages basis should be regularised.”

(44) Therefore, following the above said judgements placed by the learned counsel for the 1st party, I am of the opinion that since because, even for argument sake the daily wagers had put a continuous period of service of 240 days or more and by ignoring above discussed Government orders and circulars issued by the Apex body of the 2nd party all the three workmen of the 1st party cannot claim any right for their regularisation or appointment as a regular and full time worker.

(45) The learned counsel for the 1st party further argued that the plea of the 2nd party for alleged illegal appointment for the workmen Shri B. Appesamy could not be accepted under law and even a workman who have been appointed by an illegal appointment, must be entitled to get benefit of a “workman” as enunciated under Section 2(s) of I.D. Act and therefore, his termination would amount to be a retrenchment under Section 2(oo) and is entitled for benefits under Section (High Court of Patna) (Mithilesh Kumar Singh v. State of Bihar and others) and (ii) 1991 (II) LLJ Page 130 (High Court of Rajasthan) (Prabhu-dayal Jat and Alwarsahakar Bhumvikas Bank Ltd., and others).

(46) In the above judgement of Hon'ble High Court of Patna His Lordship had observed at Para 7 as follows :—

“I am quite unable to follow how the question of illegal and invalid appointment could be imported in a reference made under the Industrial Dispute Act. The idea of illegal or invalid appointments is quite foreign to the scheme of the Industrial Disputes Act Section 2(5) of the Act which defines ‘workman’ does not have any such distinction and the definition is couched in the widest term.”

(47) In the 2nd judgement namely ruling of Hon'ble High Court of Rajasthan at para, Their Lordships had pointed out as follows :—

“The definition of retrenchment as given in the Act is wide and comprehensive to include all types of terminations of service unless the termination falls within any of the excepted categories mentioned therein. The petitioner's case is not covered by any of the exceptions contained in the definition of retrenchment. As such, the termination of the petitioners service amounts to retrenchment.”

(48) But on the other hand the learned counsel for 2nd party had strongly relied on 1992 AIR Supreme Court Page 3120 (State of Haryana and others v. Piara Singh and others) wherein Their Lordships of our Hon'ble Apex Court had established the following legal principles at para 14.

“The next question is whether the orders issued by the two Governments were arbitrary and unreasonable in so far as they prescribed that only those employees who had been sponsored by Employment Exchange should alone be regularised. In our opinion, this was a reasonable and wholesome requirement designed to curb and discourage back door entry and irregular appointments. The Government orders say that all those who have been sponsored by Employment Exchange or have been appointed after issuing a public advertisement alone should be regularised. We see no unreasonableness or invalidity in the same. As stated above, it is a wholesome provision and ought not to

have been invalidated. Moreover, as pointed out hereinbefore, it is not found by the High Court that the writ petitioners were appointed only after obtaining a non-availability certificate from the employment Exchange."

Again

"We must also say that the further requirement prescribed in the orders viz. that the employees must have possessed the prescribed qualifications for the post at the time of his appointment on ad hoc basis is equally a valid condition."

(49) Again at para 19, Their Lordships have observed as follows :

"The High Court has also directed that all those employees who fall within the definition of 'workmen' contained in the Industrial Dispute Act will also be entitled to regularisation on par with the work-charged employees in whose case it is directed that they should be regularised on completing five years of service in Punjab and four years of service in Haryana. This direction is given in favour of those casual labour and daily wagers who fall within the definition of workmen. In so far as work-charged employees, daily wage workers and casual labourers who do not fall within the definition of workmen are concerned, the High Court had directed their regularisation on completion of one year service. We find this direction as untenable as the direction in the case of ad hoc/temporary employees."

(50) The learned counsel for the 2nd party further relied on a judgement of Hon'ble High Court of Allahabad reported in 1994 LLJ, Page 5. In the above said judgement Their Lordships in para 7 had laid down as follows :

"In cases of appointment on such vacancies there would hardly be any scope for regularisation. These and various other factors have to be taken into consideration before deciding the question as to whether service of an employee appointed on ad hoc/daily wage basis should be regularised. Regularisation cannot be made as a 'rule of thumb' on the basis of completion of certain years of service of such an employee. It all depends on various facts, some of which have been mentioned above and it is for the employer to decide as to whether in view of the facts and circumstances of the case, the services of those employees who were appointed on ad hoc/daily wages basis should be regularised."

(51) He also relied on AIR 1993 Supreme Court, Page 115 (Smt. Keshvani and others v. State of Rajasthan). In the Head note (i) of the said judgement for the coverage of observation made at paragraph 14

and 15 it has been stated as follows :

"Whether the employees were appointed as Lower Division Clerks in Department of State Insurance and Provident Fund of Government of Rajasthan on daily wages on a stop-gap measure since there was temporary need to appoint them and they were never given any permanent appointment or appointment on regular basis as it was not permissible under relevant recruitment rules, the orders of termination of service of such employees on availability of properly recruited persons by Public Service Commission was not illegal and no direction could be given that the said employees should be held to be in service. However, in view of the fact there were vacancies to such post, the Supreme Court directed the state Government to give sympathetic consideration to such employees against the available vacancies if they have got the requisite qualifications like similarly circumstanced persons being eligible for appointment and/or regularisation."

(52) Therefore, it is very clear that the 2nd party is duty bound to follow the above quoted Government orders issued by Ministry of Finance namely Exs. M3a, M4a, and M5a and M7a together with the circulars issued by the Controlling Apex body of the 2nd party (namely) Exs. M6a, M8a, M9a, M10 and M11. The above quoted Government orders and circulars have been explained and proved by the Officer of the Bank who have been examined as MW1. Therefore, I am unable to accept the argument of the learned counsel for the 1st party who argued that even an illegal appointment must be regularised.

(53) It has been further stressed by the learned counsel for the 1st party that, though the above said orders had been issued by the Government the 2nd party being a statutory body need not compulsorily follow the said orders as those orders were only in recommendatory in nature. He seek support of a ruling reported in 1987 (1) LLJ, Page 545 (Union of India and others v. Haroonpall and others) but as I quoted above our Hon'ble Apex Court in its judgement cited in AIR 1992 Supreme Court 2130 had clearly established that Government orders for the common benefits of the employees should be followed hence I am unable to see any force in the said argument.

(54) In the cases in my hands as I elaborately dealt with as per the relevant Government orders and circular the workman had not proved his claim (viz) at the time of his appointment his age was 18 and he studied 8th standard. Another workman Sri Inanna Gowda though did not have any barrier in the question of his qualification, age, he had not proved that he fulfilled the requirement of Educational Qualification. So far as the workman Shri Parameshwarappa is concerned he had not proved his entitlement on the question of specified educational qualifications.

(55) Therefore, both on question of facts and as well as points of law, the workman in the above said three cases had not proved their claim. But on the other hand on their relevant evidence the 2nd party prove both on facts and point of law that the above said plea of the three workmen under their respective

references are not entitled for any further reliefs in the hands of 2nd party. Therefore, I hold that all the three workmen are not entitled to get any benefit under Section 25-F and hence their termination would not come under Section 2(oo) of the I.D. Act. Hence, the termination of all the three workmen who had been implemented for want of required qualifications namely age and educational qualifications together with on the ground of illegal appointment. Therefore, I hold that they have no right to any relief under any of their above said three references respectively.

COMMON AWARD

(56) The Central References in C.R. Nos. 37/92, 38/92 and 40/92 are hereby rejected but without cost, submit to the Government.

(57) (Dictated to P.A. transcribed by him, corrected by me and signed on this Friday the 24th day of October, 1997).

K. MOHANACHANDRAN, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1997

का.आ. 3044—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इंडियन बैंक, त्रिचुर के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, लेबर कोर्ट अर्नाकुलम के पंचपट को प्रकाशन करती है, जो केन्द्रीय सरकार को 6-11-97 को प्राप्त हुआ था।

[संख्या एन-12012/29/94-आई आर (बी-1)]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 7th November, 1997

S.O. 3044.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Labour Court Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Indian Bank, Trichur and their workman, which was received by the Central Government on the 6-11-1997.

[No. 1-12012/29/94-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Tuesday, the 30th day of September, 1997)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer.

2974 G1/97--13

Industrial Dispute No. 15 of 1995 (C)

BETWEEN :

The Chairman, South Indian Bank, Post Office Road, Trichur—680 001.

AND

The General Secretary, South Indian Bank, Employees Association, Post Office Road, Trichur—680 001.

REPRESENTATIONS :

M/s. B. S. Krishnan and Associates, Advocates, Kochi—16. . . For Management

Shri M. Ramachandran, Advocate, Kochi—17.

. . . For Union.

AWARD

The Government of India as per Order No. L-12012/29/94-IR (B-1), dated 7-6-1995 referred the following industrial dispute for adjudication :

“Whether the action of the management of South Indian Bank Ltd. Trichur in punishing Sri K. A. Avara, Daftry with the reduction of basic pay from Rs. 1570/- to Rs.1470/- for period of one year and transferring him from Kaladi branch to Adirampally (sic) is justified or not ? If not, to what relief the workman Shri K. A. Avara is entitled to ?”

2. The case of the worker is summarised as follows :—

The worker Shri K. A. Avara was employed as a Daftry in the Kaladi branch of the management. He has clean service records. While so he was issued a charge memo on 19-5-1991 alleging that on 10-5-1991 at about 1.50 p.m. he shouted at Shri C. D. Varghese, Accountant of the branch using abusing language and also threatened him that he will break his neck when he gave instructions to the cashier to close the days cash book without accepting the cash remitted by the workman, which he collected from the proceeds of local cheques. He submitted his explanation. According to him charges are unsustainable. He is not guilty of the offences. The charges were concocted by the management in order to victimize him. The charges are vague and flimsy. The domestic enquiry was conducted in violation of the principles of natural justice. Findings of the enquiry officer are unsustainable. He was not given sufficient opportunity to defend his case and prove his innocence. Findings are perverse. It is unfair to impose the punishment of reducing the basic wages. The appeal submitted by the workman was dismissed. He was transferred from Kalady branch to Adirampuzha as per order dated 5-2-1993, which was served on him on 26-2-1993. He is the head of the family consisting his aged mother, wife and five minor children. The transfer was effected without any bonafides. The class IV employees cannot be transferred to far away places. The management

ank is having branches near Angamally and Porumbavoor. So he prays for setting aside the punishment and order of transfer.

3. The defence :—The reference is not maintainable. The domestic enquiry was held in a fair manner and in accordance with the principles of natural justice. The workman conducted the enquiry. He was assisted by Sri T. J. Paul, the treasurer of the South Indian Bank Employees Association. He cross examined the witness on the side of the management and adduced defence evidence. He was given copy of the enquiry report. The disciplinary authority agreed to the findings of the enquiry officer. Considering the gravity of the proved misconduct it is proposed to inflict the punishment of the withdrawal of designation as Daftry and special allowance applicable to the post. He was given an opportunity to represent his case with regard to the proposed punishment before the disciplinary authority. On considering his long service and the undertaking given by the workman that he would be more careful in future, the Disciplinary Authority took a lenient view and as a punishment, his basic pay was reduced to Rs. 1470/- for a period of one year with effect from 1-1-1993 as per order dated 17-12-1992. Against that order the workman filed an appeal before the Chairman. Even though he did not file an appeal within the stipulated time, the Chairman considered the matter and confirmed the order passed by the disciplinary authority. He can file the second appeal before the Board of Directors. He did not avail that remedy. On earlier occasions also he was charged on similar misconduct. The charges levelled against him were proved in a duly conducted domestic enquiry. In view of the regret expressed by the workman, on 18-1-1985, he was inflicted with the punishment of warning. There is no victimisation. There was no bias on the part of the enquiry officer. He availed of full opportunity to defend his case. Findings are supported by evidence. The transfer was made as a part of administrative exigencies. The transfer was not made to any outside state. The workman had worked two years at Chalakudy on 1967 to 1969 and at Alluva for 11 years 1969 to 1980 and 6 years at Porumbavoor and 7 years at Kalady. The present transfer to Adirampuzha is not to any for off place. Contrary allegations are false. So it prays answering the reference against the union.

4. Ext. M-1 domestic enquiry file and M-2 are marked on consent. The workman is examined as WW-1.

5. Points which emerge for consideration are :—

- (i) Whether the domestic enquiry held against the workman is legal, valid and proper ?
- (ii) Whether the order of punishment is liable to be set aside interfere with and if any to what extent ?

6. Points (i) & (ii) :—Ext. M-1 is the domestic enquiry file. Ext. M-2 is the policy regarding transfer approved by the bank with regard to the domestic enquiry conducted against the workman. There is no challenge against the propriety and legality of the enquiry. The charge against him is that at about

1.50 p.m. on 19-5-1991 he shouted at Shri C. D. Varghese, Accountant of the branch using filthy language and also threatened him that he will break his 'Koravalli' (neck), when he gave instructions to the cashier to close the days cash book without accepting the cash remitted by him, being the proceeds of local cheques collected, as he refused to note denomination on the pay-in-slip. The charges were read over to the workman. MW-1 is the accountant, Shri C. D. Varghese, at the Chalakudy Branch. He has given evidence in support of charges. Exts. M-1 to M-16 series are marked through him. He has sworn that the conduct of the delinquent created mental agony in him. It affected the good will of the bank. He was cross examined at length. MW-2 Smt. Philomina a lady clerk but she does not support the case of MW-1 regarding the complaint given by the latter. The enquiry was conducted by the Junior Superintendent. A clear finding is given by the enquiry officer with regard to the conduct of the delinquent as stated in the charge sheet. I see no perversity in the findings. So the domestic enquiry is legal, valid and proper.

7. As per M-2 (vide clause 10) generally all employees irrespective of their cadre shall be transferred periodically at least once in 5 years. In this case the workman was imposed the penalty of reduction of basic pay from 1570/- to 1470/- for a period of one year. Under section 11 A of the I. D. Act, the Labour Court cannot make any interference in case of punishment which falls short of dismissal, discharge or termination of service of the workman. When the domestic enquiry is found legal and valid Labour Court cannot interfere on minor punishments. Then remains the question whether the transfer of the workman to Adirampuzha is justifiable or not? As per Ext. M-2 the workman is holding a post which is transferrable. He is not transferred to far off place or to any place out of Kerala. The right of transfer is a managerial prerogative. The Labour Court shall not make any interference into such a prerogative of the management. According to the workman he is the head of the family consisting of his aged mother, wife and five minor children. It is only just and reasonable for the management to reconsider the transfer if the delinquent is transferred to any place like Angamally or Perumbavoor or to some other places nearer to his house. Points so found.

In the result, the reference is answered holding that the action of the management in the punishment of K. A. Avara, Daftry with the reduction of basic pay from Rs. 1570/- to 1470/- for a period of one year is legal and valid and it does not deserve interference. But the management is directed to reconsider the transfer of the workman from Adirampuzha to any place at Perumbavoor or any other place which is nearer to his home.

Ernakulam : 30-9 1997

VARGHESE T. ABRAHAM, Presiding Officer

APPENDIX

Witness examined on the side of Workman :

WW-1 Shri K. A. Avara.

Exhibits marked on the side of Management.

Ext. M-1 Domestic enquiry file containing proceedings and other concerned papers.

Ext. M-2, Photo copy of a circular No. Est/68/90-91 dated 20-2-1991 of the management.

नई दिल्ली, 7 नवम्बर, 1997

का.मा. 3045.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध निदिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, कम लेबर कोर्ट, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/76/94-आई.आर. (बी-1)]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 7th November, 1997

S.O. 3045.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Cum Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tungabhadra Grameena Bank and their workman, which was received by the Central Government on the 4-11-97.

[No. L-12012/76/94-IR(B.I.)]

P. J. MICHAEL, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, BANGALORE

Dated this Tuesday the 28th day of October, 1997
PRESENT :

Sri K. Mohanachandran, B.Sc. B.L., D.L., A.L.
Presiding Officer.

Central Reference No. 59/97

I Party

The General Secretary
All Karnataka Gramin Bank

Employees Federation

No. 144, Kappagel Road,
Bellary-583103

Vs.

II Party

M/s. Tungabhadra Grameena Bank,
Head Office Sanganakal Road,
Gandhinagar, Bellary.

AWARD

In this Central Government reference No. L-12012/76/94-IR (B.I.) dated 19-7-95 the point for adjudication is frame as follows :

“Whether the action of the management of Tungabhadra Gramin Bank, Bellary in imposing the penalty of stoppage of three increment with cumulative effect on Sri H. Nagabhushan Rao is legal and justified ? If not, to what relief the workmen is entitled ?”

(2) After registering this reference as C.R. No. 59/97, Court notice was sent to both the parties as usual. On the hearing date on 28-10-97 the 1st party namely General Secretary appeared and filed petition under Section 36(4) of I.D. Act in I. A. No. 53/97 seeking permission to engage a legal practitioner by annexing vakalath signed by Sri Pradeep S. Sawkar, Advocate Bangalore. The Chairman of the 2nd party is represented by their Manager of I.R. Cell Sri P. Janardhan Reddy, with proper authorisation letter signed by the Chairman of 2nd party Bank. Sri Pradeep S. Sawkar, Advocate, Bangalore also failed vakalath for the 2nd party with consent of the 1st party and thus the 2nd party also had given consent for appearance of counsel for the 1st party by making endorsement of “no objection” in the said I.A. Hence, the I.A. was allowed and leave is granted for appearance of said legal practitioner for both the parties.

(3) The 1st party namely the General Secretary and the above said representative for the 2nd party appear in person and filed joint memorandum of settlement signed by the 1st party General Secretary, and the Chairman of the 2nd party Bank. Both the parties had agreed in the presence of their respective counsel that they would agree the terms and the said joint memorandum of settlement. They further agreed that would abide the terms of settlement. In such circumstances the said joint memorandum of settlement has been recorded.

(4) The award is passed in terms of joint memorandum of settlement dated 28-10-97 without any cost. The joint memorandum of settlement dated 28-10-97 filed by both the parties will be part and parcel of this Award submit to the Government.

(5) (Dictated to P.A. transcribed by him, corrected by me and signed on this Tuesday the 28th day of October, 1997.)

K. MOHANACHANDRAN, Presiding Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE.

C. REFERENCE NO. 59 OF 1997

BETWEEN :

The General Secretary,
All Karnataka Gramin Bank
Employees' Federation,

BELLARY.

— FIRST PARTY

AND

The Chairman,
Tungabhadra Gramin Bank,

BELLARY.

— SECOND PARTY

JOINT MEMORANDUM OF SETTLEMENT

The parties above named respectfully submit as under :—

1. By an order of Reference dated 19-7-1995, the Central Government has referred the following dispute for adjudication to this Hon'ble Tribunal.

"Whether the action of the Management of Tungabhadra Gramin Bank, Bellary in imposing the penalty of stoppage of three increments with cumulative effect on Sri H. Nagabhushan Rao is legal and justified ? If not, to what relief the workman is entitled ?"

2. Sri H. Nagabhushan Rao is working as a clerk in Sidaragadda branch of the Second Party. While he was working as a clerk in Sanganakal branch, a charge-sheet bearing No STF PW CS PER HN 985 91-92 dated 9-5-1991 as amended by Proceedings No STF DP HN 208 2238 91-92 dated 24-7-1991 was issued for contravening the Regulations 19 and 20 of the Bank's Staff Service Regulations. A Departmental Enquiry was thereafter held and upon conclusion of the enquiry, the Enquiry Officer gave a report holding Sri H. Nagabhushan Rao, herein after referred to as the

'workman', guilty of the charges alleged against him. Disciplinary Authority accepted the findings of the Enquiry Officer and thereafter imposed a penalty of stoppage of three increments with cumulative effect vide Proceedings No STF DP HN 208 3675 93-94 dated 11-1-1994. Thereafter the workman filed an appeal challenging the said order of the Disciplinary Authority and the Appellate Authority (Board) in its meeting held on 4-5-1994 rejected the appeal of the workman and confirmed the penalty imposed on him by the Disciplinary Authority. Thereafter, the First Party Union approached the Management for an amicable settlement and requested the Management to take a lenient view and withdraw the order of punishment. Several rounds of discussions took place between the parties herein both at the bilateral level as well as before the Assistant Labour Commissioner, Bellary. However, on account of reasons beyond the control of the authorities no settlement could be arrived at, at that time and that a failure report was sent by the Labour Commissioner whereupon the appropriate Government referred the matter for adjudication to this Hon'ble Tribunal. Notwithstanding the above parties held further discussions at the bilateral level and also at the intervention of their advocates and finally the dispute has been settled, the terms of which are as under :

3. Terms of Settlement :—

- (i) The First Party requested the Second Part to withdraw the penalty of stoppage of three increments with cumulative effect imposed on Sri H. Nagabhushan Rao in view of what is stated in para 4 below.
- (ii) The Second Party stated that the aforesaid penalty will be converted to one of "Warning" of Sri H. Nagabhushan Rao and the First Party accepts the same.
- (iii) Accordingly the penalty of stoppage of three increments with cumulative effect imposed on Sri H. Nagabhushan Rao vide Proceedings of the Disciplinary Authority No. STF DP HN 208 3675 93-94 dated 11-1-1994 is hereby converted to one of 'Warning' of Sri H. Nagabhushan Rao with effect from the operative date of the original order of the Disciplinary Authority.
- (iv) The Parties hereby agree that the workman is entitled to receive arrears from the operative date of the original order of the Disciplinary Authority upto date in view of the restoration of three increments stopped with cumulative effect as per this Settlement.

4. The First Party as well as the workman have already given a letter dated 13-7-1994 to co-operate with the Bank and work in accordance

with the Bank's Service Regulations without giving any room for omission or commission affecting the image of the Bank.

5. In view of the above, the parties submit that the dispute referred to this Hon'ble Tribunal has been fully settled and the terms of settlement are fair, bonafide and worthy of acceptance.

PRAYER

Wherefore it is prayed that an Award be passed in terms of the Joint Memorandum of Settlement directing the parties herein to bear their own costs. Bangalore,

Dated : 28-10-1997 GRAMIN BANK
EMPLOYEES' FEDERATION

Sd./-

GENERAL SECRETARY
(FIRST PARTY)

ADVOCATE FOR THE FIRST PARTY

Fof TUNGABHADRA GRAMIN BANK

Sd./-

ADVOCATE FOR THE SECOND PARTY

Sd./-

CHAIRMAN (SECOND PARTY)

नई दिल्ली, 13 नवम्बर, 1997

का. आ. 3046.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ अमेरिका, नई दिल्ली के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/91/89-आई आर (बी-I)]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3046.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of America, New Delhi and their

workman, which was received by the Central Government on the 12-11-97.

[No. L-12012/91/89-IR(BI)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESID-
ING OFFICER, CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL, NEW DELHI
I. D. No. 135/89

In the matter of dispute between :

The Vice President,
Bank of America Staff Union,
3062, Kalyan Singh Street,
Morigate, Delhi-110006.

Versus

Head Operation,
Bank of America,
15, Bara Khamba Road,
New Delhi-110001.

APPEARANCES :

Shri Rajesh Khurana for the workman.

Shri Dinesh Agnani for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/91/89-I.R. Bank I. dated the 4th December, 1989 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of the Bank of America in withdrawing the facility of half day casual leave being availed of by its employees since inception of the Bank is justified ? If not, to what relief the workmen are entitled ?”

2. A joint application for settlement was moved on 14-8-97 and the statement of the parties was recorded.

3. In view of the statement made by the parties a No Dispute Award is given in this case leaving the parties to bear their own costs.

13th October, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1997

का०आ० 3047 :--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ अमेरिका, नई दिल्ली के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/67/89-आई आर (बी-1)]

पी०जे० माईकल, डेस्क अधिकारी

New Delhi, the 18th November, 1997

S.O. 3047.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of America, New Delhi, and their workman, which was received by the Central Government on the 12-11-97.

[No. L-12012/67/89-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 18/90

In the matter of dispute between :

Shri Rajesh Khurana,
through The Vice President,
Bank of America Staff Union,
3062, Kalyan Singh Street, Mori Gate,
Delhi-110006.

Versus

The Head Operations,
Bank of America, Hansalya,
15-Bara Khamba Road,
New Delhi-110001.

APPEARANCES :

Shri Rajesh Khurana in person.
Shri Dinesh Agnani for the Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/67/89-I R. B. I. dated 22-1-90 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Bank of America asking Shri Rajesh Khurana Head Clerk proportionately from the subsistence allowance and making full deduction from the subsistence allowance of Shri Rajesh Khurana during suspension period was justified ? If not, to what relief the workman is entitled ?"

2. The case was fixed for settlement when a joint application for No dispute award was filed and statement of the parties was recorded.

3. In view of the statement of the parties No Dispute award is given in this case leaving the parties to bear their own costs.

13-10-1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1997

का०आ० 3048 :--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ अमेरिका, नई दिल्ली के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-97 को प्राप्त हुआ था।

[सं. एल-12012/67/89-आई आर (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 18th November, 1997

S.O. 3048.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of America, New Delhi and their workman, which was received by the Central Government on the 12-11-97.

[No. L-12012/67/89-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 82/90

In the matter of dispute between :

Shri Rajesh Khurana, Head Clerk,
Through the Vice President,
Bank of America Staff Union, New Delhi,
3062, Kalyan Singh Street,
Mori Gate, Delhi-110006.

Versus

The Manager,
Bank of America,
N. T. & S. A. Hansalaya,
Barakhamba Road,
New Delhi.

APPEARANCES :

Shri Rajesh Khurana in person.
Shri Dinesh Agnani for the Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/67/89-I R. Bank-I dated 29-8-89 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the Order of the Management of Bank of America asking Shri Rajesh Khurana Head Clerk to work as Teller w.e.f. 20-3-89 is legal and justified ? If not, to what relief the workman concerned is entitled ?"

2. The case was fixed for settlement when a joint application for No dispute award was filed and statement of the parties was recorded.

3. In view of the statement of the parties recorded on 14-8-97 No Dispute award is given in this case leaving the parties to bear their own costs.

13th October, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1997

समक्ष :—श्री हरिमिह अस्नानी आर एच जे एस

का०आ० 3049 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मारवाड़ ग्रामीण बैंक, पाली के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अजमेर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-97 को प्राप्त हुआ था ।

[संख्या एल-12012/168/96-आई०आर (बी)]

पी०जे० माईक, डेस्क अधिकारी

New Delhi, the 18th November, 1997

S.O. 3049.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Marwar Gramin Bank, Pali and their workman, which was received by the Central Government on 17-11-1997.

[No. L-12012/168/96-I.R. (B)]

P. J. MICHAEL, Desk Officer

अनुबन्ध

न्यायालय, श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण,
अजमेर

रेफरेंस संख्या एल 12012/168/96-आई०आर० (बी)
दिनांक 26-8-97

प्रकरण संख्या सी आई टी प्रार 16/97

श्री संजय शर्मा द्वारा श्री ऋषभचंद जैन, 80, बजरंग बिहार,
गोपालपुरा रेलवे फाटक के पास, टोंक रोड, जयपुर

—प्रार्थी

बनाम

अध्यक्ष, मारवाड़ ग्रामीण बैंक, प्रधान कार्यालय, पाली जिला
—अप्रार्थी

प्रार्थी की ओर से : कोई उपस्थित नहीं
अप्रार्थी की ओर से : गोपाल सिंह भाटी
अवार्ड दिनांक 04-11-1997

अवार्ड

प्रार्थी बावजूद तामील उपस्थित नहीं हुआ है । प्रार्थी गत तारीख पेशी पर भी उपस्थित नहीं हुआ । केन्द्र सरकार द्वारा यह रेफरेंस इस निर्देश के साथ प्राप्त हुआ है कि प्रार्थी 15 दिनों के अन्दर अधिकरण के पास कार्यवाही हेतु उपस्थित होगा । अप्रार्थी संस्थान के प्रतिनिधि श्री गोपाल सिंह भाटी लगातार दो पेशियों पर उपस्थित रहे हैं । ऐसा प्रतीत होता है कि प्रार्थी इस प्रकरण के प्रति गंभीर नहीं है । अतः ऐसी स्थिति में “कोई विवाद नहीं” अवार्ड पारित किया जाता है जो केन्द्र सरकार को वाप्ते प्रकाशनार्थ नियमानुसार भेजा जावे ।

अवार्ड आज दिनांक 04-11-1997 को खुले अधिकरण में सुनवाया गया ।

हरिमिह अस्नानी, न्यायाधीश

नई दिल्ली, 12 नवम्बर, 1997

का. आ. 3050 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-97 को प्राप्त हुआ था ।

[सं. एल-32011/3/91-आई आर (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 12th November, 1997

S.O. 3050.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on 11-11-97.

[No. L-32011/13/91-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 25 of 1992

PARTIES:

Employers in relation to the management of
Calcutta Port Trust.

AND

Their Workmen

PRESENT :

Mr. Justice A. K. Chakravarty
... Presiding Officer

APPEARANCE:

On behalf of Management—Mr. M. K. Das,
Senior Labour Officer (IR).

On behalf of Workman—Mr. T. B. Roy, Vice-
president of the Union.

STATE : West Bengal **INDUSTRY :** Port.

AWARD

By Order No. L-32011/13/91-IR(Misc) dated 8-5-1992 the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Calcutta Port Trust in allowing promotion to the Leech Operator to the post of Head Sareng and refusing to allow promo-

tion to the Leech Carpenters/Fitters/Welders working in Leech Unit under Chief Engineer's Department to the said post is lawful and justified or not in the context of the principles laid down in “Das Gupta Tribunal Award”? If not, what should be guiding principles and zone of consideration to be followed it, filling up of future vacancies of Head Sareng in Leech Unit under Chief Engineer's Department of CPT ?”

2. The union's case, in short, is that a post of Head Sareng fell vacant in the Leech Section under the Senior Executive Engineer, KPD. On being referred to by the Chief Engineer, the Secretary of the Calcutta Port Trust administration by his letter No. Admn/M2/23 dated 19-10-1990 communicated the administrative decision that the post of Head Sareng will be treated as reserved for schedule caste candidate and will be filled up by the schedule caste candidate and regarding zone of consideration the rules laid down for the said purpose to be followed. The Senior Executive Engineer, KPD issued circular dated 8-11-1990 inviting applications from the eligible schedule caste candidates working as Leech Operator attached to the Leech Unit for selection to the post of Head Sareng. By doing so, the union has alleged, that the Senior Executive Engineer, KPD violated the administrative direction regarding zone of consideration for filling up the post of Head Sareng.

The union protested against such action of the Senior Executive Engineer. The union forwarded the application received from one Jiban Chandra Mondal, the seniormost amongst the schedule caste candidates for promotion to the said post of Head Sareng as he was the only candidate within the zone of consideration as per rules. The Senior Executive Engineer refused to take any action in the matter as the Senior Executive Engineer was bent upon to disregard the rules for filling up the promotional post of Head Sareng. The matter was then referred to the Assistant Labour Commissioner (Central), Calcutta for conciliation. Attempts of conciliation failed, the matter was then referred to the appropriate government and the present reference came up for consideration before this Tribunal.

It is alleged by the union that by notification dated 21st January, 1958 Das Gupta Award was published in the Gazette of India which with a view to bring uniformity, laid down certain rules to be followed by all the departments under the Calcutta Port Trust. Since the Carpenter is just below the grade of Head Sareng in the Leech Unit, the union claimed in terms

of the Das Gupta Award that the Carpenter would be entitled to promotion to the post of Head Sareng. It is accordingly alleged that the circular issued by the Senior Executive Engineer, KPD inviting application from the Leech Operators for the post of Head Sareng is bad, illegal and void and should be set aside. The union accordingly prayed for issuance of necessary directions by this Tribunal to the port authority for giving promotion to the Carpenter to the post of Head Sareng in the Leech Section.

3. In the written statement filed by the Calcutta Port Trust, the allegations of the union were denied. The case of the management in this matter is that prior to 1990 there were three occasions for filling up the post of Head Sareng in 1974, 1980 and 1985, when only the Leech Operators were considered eligible for promotion to the post and that except for the year 1990 there had been no dispute or difference of opinion with regard to the filling up of vacancy of Head Sareng between the unions and the management. It was only in 1990, the Calcutta Port Shramik Union came forward with the demand that the vacancy of Head Sareng should be made open for promotion to the Carpenter|Welder|Fitters. Some other unions however objected to such demand. In early 1991 for want of adequate jobs the employees attached to the Leech Unit were found to be idle and as there was no possibility of future work in the Leech Section, the management by issuing notice No. Civ|Surplus|1382|2|2363 dated 31-8-1992 declared the 25 workmen attached to the Leech Unit as surplus and they were all kept in a surplus pool awaiting adjustment against alternative vacancies in other sections|units. They were duly paid their pay and allowances during this time. Individual notices were issued to the workmen in this regard and they have raised no objection and accepted the position.

The management has accordingly alleged since the Leech Unit under the Civil Engineering Department does not exist any more, the question of filling up of any vacancy whether by direct recruitment or by promotion under the erstwhile Leech Unit does not arise. It is also alleged that the Leech Unit under the Civil Engineering Department did not exist when the Das Gupta Award was passed. The promotional channel for the employees attached to the Leech Unit 2974 GI/97—14

were not within the purview of the adjudication proceeding and were not mentioned in the Award. The management thus alleged that the action in filling up the vacancy of Head Sareng under the Leech Unit in the year 1990 was fair, proper, legal and justified and the concerned workman accordingly are not entitled to any relief. The management has accordingly prayed for rejection of the prayer of the union.

4. Heard Mr. M. K. Das, Senior Labour Officer (IR) for the management. None appeared for the union at the time of argument. Both the parties however adduced oral and documentary evidence. It also appears that the management also filed written note of argument, which is already on record.

5. The reference under consideration consists of several parts, namely, whether the management is justified in allowing promotion to the Leech Operator to the post of Head Sareng; (2) Whether the refusal to allow the said promotion to the Leech Carpenter|Fitter|Welder working in the Leech Unit under the Chief Engineer's Department is justified; (3) the justification or otherwise of the earlier parts is to be considered in the light of Dasgupta Tribunal Award and (4) what should be guiding principle and zone of consideration to be followed in filling up such vacancies of Head Sareng in the Leech Unit under Chief Engineer's Department of the CPT, if no guideline is prescribed in the Das Gupta Award for filling up such vacancies.

6. Before going into consideration of the questions raised in the reference, certain admitted facts are to be noted. The Das Gupta Award was published on 30th January, 1958 and the said Award was passed in Reference No. 1 of 1956. There is nothing in the schedule of the said Award to show that it has anything to do with the Leech Unit under Chief Engineer's Department. As a matter of fact there is nothing to show that any unit in the name of Leech Unit existed under the Chief Engineer's Department or under the Senior Executive Engineer, KPD. It is therefore clear that this unit came into existence after the reference was made in 1956. It is also admitted that the said Leech Unit has ceased to exist since 1993. There is no denial in the rejoinder filed by the workman against the written statement of the management that the said unit has ceased to exist. One Jiban Chandra Mondal who deposed on behalf

of the union stated categorically in his evidence that the said Leech Unit was closed in 1993. It is also not denied by the union that the Chief Engineer by notice dated 31-8-1992 informed the employees of the Leech Unit under Senior Executive Engineer, KPD that the unit was closed and the workmen working there were declared surplus workmen to be absorbed in suitable alternative employment. It also appears from the letter dated 31-8-1992 that letters were issued individually to these workmen and Shri Jiban Chandra Mondal (WW-1), Carpenter was informed that he was declared surplus and he was directed to report for duty to the Engineer-in-charge, Mechanical Engineering Section, which he accepted.

7. The reference to this Tribunal having been made on 8-5-1992 and the Leech Unit having been closed shortly thereafter on 31-3-1992, no question of the right of the workmen working in the Leech Unit for promotion to any higher post can arise as the Leech Unit itself ceased to exist by reason of the circular of the Chief Engineer dated 31-8-1992 as mentioned above.

8. Though it is not relevant in the context of the view taken above by me, about the necessity of any finding in respect of the right of the workers of the Leech Unit to the promotional post of Head Sareng still then, I find from the evidence of Shri Jiban Chandra Mondal, W 1, that since he joined the Calcutta Port Trust in the Leech Unit in 1958, there were three occasions when the post of Head Sareng fell vacant and every time the promotion was made out of the Leech Operators. Das Gupta Award being not with reference to the Leech Unit, the management followed the time tested course for filling up the vacancy of the Head Sareng in the Leech Unit in 1990 by inviting applications from the Leech Operators attached to the said unit. It is true that the particular unit was not considered in the Das Gupta Award, but the said Award has laid down certain general principles and guidelines to be followed by all the departments of Calcutta Port Trust. The Leech Unit having admittedly come into existence after the reference was made before the Das Gupta Tribunal, the said unit could not be included in the schedule of the Award. However, item No. 27(a), (b), (c) and (d) of the Das Gupta Award lays down the general principle as to how the promotion is to be given. It

is specifically stated that the promotion shall be unit-wise and seniority-wise from the grade next below. Simply because the management was following a different course for filling up the promotional post in the unit that would be no justification for following the same course by the management in the face of the above principles as laid down in the Award. In other words, had the Leech Unit been still existing the management ought to have adjusted its promotional policy for recruitment to the post of Head Sareng by selection of candidate from the suitable workmen from the grade just below.

It is, however, no use discussing this aspect any further since the entire Leech Unit has been closed down since 1992.

9. In the aforesaid facts and circumstances, all the questions relating to the present reference do not call for any answer as the subject matter of this reference is no longer in existence.

10. The reference is disposed of accordingly.

This is my Award.

Dated, Calcutta,

The 29th October, 1997.

Sd/-

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1997

कां०आ० 3051.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मोरमगोवा पोर्ट ट्रस्ट के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं०-1, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-97 को प्राप्त हुआ था।

[संख्या एल-36012/2/97-आई०आर० (विविध)]

बी०एस० डेविड, जैक अधिकारी

New Delhi, the 17th November, 1997

S.O. 3051.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mormugao Port Trust and their workman, which was received by the Central Government on 17-11-1997.

[No. L-36012/2/97-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

Reference No CGIT-58 of 1997

PARTIES :

Employers in relation to the management of
Mormugao Port Trust.

AND

Their Workmen

APPEARANCES :

For the Management : Shri M. B. Anchan,
Advocate.

For the Workmen : No appearance.

STATE : Goa

Mumbai, dated the 21st day of October, 1997

AWARD

None for Union.

Shri M. B. Anchan Advocate for management. He has filed his authority. Taken on record. The notices were issued to the union on 21-8-1997 by registered post as is disclosed by the office report. Notices have not been received back. There is a presumption of service. Since no claim has been filed, there is nothing before me to be adjudicated. The matter is adjourned sine die. In case, the union workmen files a statement of claim with copy to

the management and requests for proceeding with case, matter to come up for hearing after fixing due date. Just now matter stands disposed off for statistical purposes. Disposed off accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1997

कां०आ० 3052.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में बी०वी० चैनाई एंड क० के प्रबन्धतंत्र के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं० 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-97 को प्राप्त हुआ था।

[सं० एल-31012/10/97-आई०आर० (विनिध)]

बी०एस० डेविड, डेस्क अधिकारी

New Delhi, the 17th November, 1997

S.O. 3052.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B. V. Chinai & Co. and their workman, which was received by the Central Government on the 17-11-1997.

[No. L-31012/10/97-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1,
MUMBAI

PRESENT

Shri Justice R. S. Verma,

Presiding Officer

Reference No. CGIT-53 of 1997

PARTIES :

Employers in relation to the management
of M/s. B. V. Chinai & Co.

AND

Their workmen

APPEARANCES :

For the Management : No appearance.

For the Workman : No appearance.

State : Maharashtra.

Mumbai, dated the 14th day of October, 1997.

AWARD

The following dispute was referred to this Tribunal by the Government of India in the Ministry of Labour by order dated 30-6-1997.

“Whether the action of the management of M/s. B. V. Chinai and Co. in not giving the status of permanency to the workmen employed by them is justified? If not to what relief the workmen are entitled”.

The order of reference dated 30-6-1997 was sent by the Ministry, inter alia to Secretary, Transport & Dock Workers' Union, P. D. Mello Bhavan, Carnac Bunder, Bombay-38, as would be evident from the endorsement made by the Desk Officer. By this very endorsement, the Union was directed to file a statement of claim complied with relevant documents, list of reliance and witnesses with the Tribunal within 15 days of the receipt of this order of reference. It can be presumed that the order of reference must have been received within a reasonable period.

Notices were issued by this Tribunal directing the parties to file this statement of claim etc. on 8-9-1997. Notices were sent, as office record shows by the Registered Post on 23rd July, 1997. The notice of the management was received unserved. But the notice of the union was not received back and there is presumption that the notice was duly served. However, statement of claim was not filed by the Union and the case was adjourned for today. Even today a claim has not been filed. In these circumstances there remains nothing to be adjudicated by this Tribunal and the matter is adjourned sine-die. It may be treated as disposed off for statistical purposes. However, if the union files an application for restoration of the reference to its original number and also

files the statement of claim with such application, the reference may be restored to the original number and the matter may be proceeded. With the above observation the matter is adjourned sine-die and is disposed off for statistical purposes only.

R. S. VERMA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1997

का०आ० 3053:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, कन्दाय सरकार इंटरनेशनल एयर पोर्ट थ्रॉर्टो आक इंडिया के प्रबन्धन के संबंध निवाजका और उनके कर्मकारा के बीच, अनुबध में निदष्ट औद्योगिक विवाद में कन्दाय सरकार आद्योगिक अधिकरण, सं० 1 बम्बई के पंचपट को प्रकाशत करता है, जो कन्दाय सरकार को 17-11-97 को प्राप्त हुआ था ।

[सं० एल-11012/27/92-आई०आर० (विविध)]

बा०एम० डेविड, डेस्क अधिकारी

New Delhi, the 17th November, 1997

S.O. 3053.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No-1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of International Airport Authority of India and their workman, which was received by the Central Government on 17-11-97.

[No. L-11012/27/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

Reference No. CGIT-1/46 of 1993

PARTIES :

Employers in relation to the management of I.A.A.I.

AND

Their Workmen

APPEARANCES :

For the Management—Shri Abhay Kulkarni, Advocate.

For the Workman—Shri B. N. Dongre, Advocate.

STATE :

Maharashtra.

Mumbai, dated the 22nd day of October, 1997

AWARD

Shri B. N. Dongre Advocate for workman, Shri Abhay Kulkarni for the management. Heard the learned counsel for the parties in exten so and perused the record.

The Appropriate Government has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the I.A.A.I. of India in striking off the name of Sh. V. M. Nayak, Mechanic w.e.f. 3-11-89 under Rule 31(2)(vi) of

I.A.A.I. (General Conditions of Service) Regulation, 1900—without complying the statutory provisions of the Act, 1947 to 1948, proper, and legal / 11 200, to what extent is the workman entitled to?

The facts of the case are not in dispute except about the grounds which led to absence of the workman from duty. The workman V. M. Nayak was employed in service of I.A.A.I. The workman had joined service of the I.A.A.I. sometime in June 1961. The workman remained absent from duty from 3-11-89. He did not report back on duty on 30-1-90, when the services of the workman came to be terminated on the ground that the workman had abandoned the service as contemplated by Rule 31(2)(vi) of the relevant Regulations.

2. The case of the workman is that he was compelled to remain absent from duty due to serious mental ailment, due to which he had been admitted to different hospitals. He never abandoned his service. He was not given any opportunity of hearing by the competent authority to explain and satisfy the competent authority about reasons of his absence. On this short basis, inter alia, it is urged that the order of termination of service should be set aside and workman be directed to be reinstated with all consequential benefits.

3. On behalf of the management, it has been pleaded that admittedly the workman remained absent from duty for more than the period prescribed by the said Rule 31(2)(vi) of the Regulations. No notice was required to be given and hence the order of termination was rightly passed.

4. The workman has led some evidence before me, both oral and documentary. The management has not led any evidence.

5. Now, it is an admitted position before me that service of the workman had been determined on the purported ground of alleged abandonment of service by the workman as contemplated by the aforesaid Rule. The question, if such an order could be passed without hearing the workman is no longer res integra and stands concluded by a judgment of a Division Bench of the Bombay High Court reported in 1993 II CLR 521 IAAI vs. V. M. Sukhlingam and another. In that ruling, the learned judges of the Bombay High Court ruled that as per the said Rule, though no domestic enquiry was necessary, an opportunity was required to be given to the respondent (the workman) to place before the competent authority all the facts and circumstances of the case to enable the question of condonation of unauthorised absence being considered in accordance with law. Since no such opportunity was afforded, granting without deciding that Regulation 31 was applicable, the impugned termination is not conformity with the provisions of the said Regulation and hence it is unsustainable.

6. In that case the IAAI tried to put up a case that it had tried to serve a notice on the workman before termination, but that plea was not found to have been established.

7. Now, I may state that Rule 31 of the Regulation under which action was taken against the workman, has many postulates, which have been recognised in the aforesaid judgment of the Division Bench of the Bombay High Court and which axiomatically follow from the said Rule 31. The Bench states :

"Under Regulation 31(1) the consequences which follow as a result of unauthorised absence from duty is forfeiture of pay and allowances during the period such absence and also break in service entailing forfeiture of past service 'unless the break itself is condoned and treated as dies non'. If the break is condoned and treated as dies non, the service rendered prior to unauthorised absence is required to be counted for all purposes, but the period of break itself will not count for any purpose. Clause (1), therefore, does not by itself entail break of service. The Competent Authority is empowered to condone break in service and to treat the said period as dies non in which event the service rendered prior to unauthorised absence will count for service. For the exercise of power of condonation unless an opportunity is given to the concerned workman to place all the relevant

fact, it would not be reasonably possible for the competent authority to arrive at a just decision, impact in the grant of power of condonation is the duty to afford an opportunity to show cause to the workman concerned. Clause (2) of the Regulation lays down the consequences of unauthorised absence from duty, which is not condoned. These consequences also do not follow automatically; they ensue only if the unauthorised absence is not condoned. Under clause (2), therefore, the question of condonation must be considered first and decided in accordance with law. The power accordingly conferred is coupled with the duty to exercise led some having regard to the numerous consequences which would ensue, if there is no condonation. Unless an opportunity is given to the concerned workman to appraise the competent authority of all the relevant facts, the exercise of power in that behalf would be empty formality and a futile exercise". (emphasis added).

8. Now, in the present case, nothing of this sort was done and hence the order passed by the competent authority and which has been challenged before me is a nullity and is not sustainable and has to be quashed and set aside with all consequential effects, with the direction to the competent authority to allow the workman to place all the relevant facts before it to enable it to decide, if the case of the workman deserved condonation of his unauthorised absence or not. However, it may be clarified that the workman shall not be entitled to his wages for the period of his absence from duty till raising of the dispute, till the competent authority has decided the matter in accordance with Rule 31(1) of the Regulations. The grant/non-grant of the said wages will depend upon the decision of the competent authority in this regard as per provisions of said Rule 31(1) of the Regulations.

9. Mr. Kulkarni strongly contended that the competent authority be granted liberty put the workman under suspension w.e.f. the date of the workman remained unauthorisedly absent. Mr. Dongre strongly objects to it. To my mind that is not a question to be decided by me at this stage. If the law permits the competent authority to suspend the workman from the date of unauthorised absence from duty, during the enquiry that may be made, it would be for the competent authority to decide in accordance with relevant Rules and Regulations. If the relevant Rules and Regulations do not confer such an authority, it is not for me to grant such liberty.

10. Hence, I set aside the order dated 30-01-90 with all consequential benefits including reinstatement, but subject to limitations and riders already mentioned. I make award accordingly. In the circumstances of the case, parties are left to bear their own costs.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1997

कां० आ० 3054:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/47/95-आई आर (सी-2)]

मौली मान, जेष्ठ अधिकारी

New Delhi, the 13th November, 1997

S.O. 3054—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 10-11-97.

[No. L-22012/47/95-IR C-II]
LOWLI MAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRI-
BUNAL, ASANSOL

Reference No. 41/95

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of New Kenda
Colliery of M/s. E.C. Ltd.,

AND

Their Workmen

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal

STATE : West Bengal.

Dated, the 13th October, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/47/95-IR(C-II) dated 29-3-95.

"Whether the action of the management of New Kenda Colliery under Kenda Area of M/s. ECL in dismissing Sh. Magta Nahak Ex. U. G. Loader w.e.f. 14-7-93 is justified? If not, to what relief the workman is entitled for?"

2. In spite of sufficient adjournments and opportunity the union does not file Written Statement. Apparently it is no more interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1997

कां.ग्रां. 3055:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-97 को प्राप्त हुआ था।

[मंख्या एल-22012/103/96-आई आर (सी-2)]

लोली माऊ, डेस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3055.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown

in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 10-11-97.

[No. L-22012/103/96-IR(C-II)]
LOWLI MAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL,
TRIBUNAL, ASANSOL

Reference No. 40/97

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of
Bhanora Colliery of M/s. E.C. Ltd.,

AND

Their Workmen

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal

Dated the 20th October, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/103/96-IR(C-II) dated 11/15-7-97.

"Whether the action of the management of Bhanora Colliery under Sripur Area of ECL in denying wages to 486 workmen who remained on duty on 14-5-92, 15-5-92 and 6-11-92 is legal and justified? If not, to what relief are the workmen entitled to?"

2. The union has left the place of its address, as reported by the post office. It does not furnish the Written Statement in spite of a copy of the Reference having been sent to it by the Ministry. Apparently the union is no more interested in the dispute.

3. Accordingly 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1997

कां.ग्रां. 3056:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-97 को प्राप्त हुआ था।

[मंख्या एल-22012/138/96-आई आर (सी-2)]

लोली माऊ, डेस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3056.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 10-11-97.

[No. L-22012|138|96-IR(C-II)]

LOWLI MAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 27|97

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of
J. K. Ropeways of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES:

For the Employer—Sri P. K. Das, Advocate.

For the Workmen—General Secretary of Union.

INDUSTRY : Coal. STATE : West Bengal.

Dated the 27th October, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012|138|96-IR(C-II) dated 20-5-97.

“Whether the action of the management of J. K. Ropeways of ECI in not promoting Sh. Ashraf Ram Chowdhary from Technical & Supervisory Grade ‘C’ to Technical and Supervisory grade ‘B’ is legal and justified? If not, to what relief the workmen is entitled?”

2. The General Secretary of the union submits that the union is no more interested in the dispute.

3. Accordingly ‘No Dispute Award’ is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1997

कां० 3057:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये, केन्द्रीय सरकार सैसर्स ई.सी.एल. के प्रबंधकों के संबंध में विवादों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/140/96-आईआर (सी-II)]

लौली माऊ, डेस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3057.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 10-11-97.

[No. L-22012|140|96-IR(C-II)]

LOWLI MAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 49|97

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of
Kottadit Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES:

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal. STATE : West Bengal.

Dated the 27th October, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012|140|96-IR(C-II) dated 11|5-7-97.

"Whether the action of the management of Kottadih Colliery of ECL in not regularising Sh. Dinabandhu Kanjia, Electrical Helper, as Pit Clerk and in not paying him difference of wages for officiating as Pit Clerk is legal and justified? If not, to what relief is the workmen entitled and from which date?"

2. In spite of service of notice by Registered post as reflected by the postal A/D and in spite of sufficient opportunity, the union does not file Written Statement and does not take any other step.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1997

का०ग्रा० 3058 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/147/93-आई आर (सी-2)]
लोली माऊ, डेस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3058.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd., and their workman, which was received by the Central Government on the 10-11-1997.

[No. L-22012/147/93-IR (C-II)]
LOWLI MAO, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL.

REFERENCE NO. 43/93.

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of
Mithani Colliery of M/s. E. C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employer : Shri P. K. Das, Advocate.

For the Workmen : None.

INDUSTRY : Coal. STATE : West Bengal.

Dated : the 30th September, 1997.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section 1 and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/147/93-IR (C. II), dated 26-8-1993.

"Whether the action of the management of Mithani Colliery in not accepting the age of Shri Gopal Singh as entered in C.M. P.F. record and not sending him to Area Medical Board for determination of age is justified? If not, to what relief the concerned workman is entitled to?"

2. In spite of repeated adjournments for hearing the union does not appear.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer.

नई दिल्ली, 13 नवम्बर, 1997

का०ग्रा० 3059 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/212/96-आई आर (सी-2)]
लोली माऊ, डेस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3059.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd., and their workman, which was received by the Central Government on 10-11-1997.

[No. L-22012/212/96-IR (C-II)]
LOWLI MAO, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL.

REFERENCE NO. 36/97.

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of
Bankola Area of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employers—None.

For the Workmen—None.

INDUSTRY : Coal. STATE : West Bengal.

Dated : the 27th October, 1997.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/212/96-IR (C. II), dated 5-6-1997.

"Whether the action of the management of Moira Colliery under Bankola Area of E.C.L. in dismissing Shri Bashanta Murmu, U. G. Trammer, from services w.e.f. 16-12-1994 is legal and justified? If not, to what relief is the workman entitled?"

2. In spite of service of notice by Registered post as reflected by the postal A/D card and in spite of sufficient opportunity, the union does not file Written Statement and does not take any other step.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer.

नई दिल्ली, 13 नवम्बर, 1997

कां०ग्रा० 3060 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-97 को प्राप्त हुआ था।

[संख्या एल-24012/123/87-डी० 4(बी)]

लोली माऊ, डेस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3060.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd., and their workman, which was received by the Central Government on 10-11-1997.

[No. L-24012/123/87-D. IV(B)]

LOWLI MAO, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL.

REFERENCE NO. 15/88.

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of
Dhemomain Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer : Shri P. K. Das, Advocate.

For the Workmen : None.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 30th September, 1997.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012/(123/87-D. IV (B), dated 24-12-1987 26-2-1988.

"Whether the management of Dhemomain Colliery Sitarampur Area of M/s. Eastern Coalfields Ltd., P. O. Sitarampur, District Burdwan in not providing employment to the adopted son and dependant of Late Dilip Singh, the Ex. worker was justified? If not, to what relief Shri Darogi Singh was entitled?"

2. In spite of repeated adjournments for hearing the union does not appear.

3. Hence 'No Dispute Award' is passed.

R. S. Mishra, Presiding Officer.

नई दिल्ली, 19 नवम्बर, 1997

कां०आ० 3061 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै० ऑयल इंडिया लि० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-97 को प्राप्त हुआ था।

[सं० एल-30011/15-ए/89-आई आर (विविध)/
आई आर (सी-1)]
सनातन, डेस्क अधिकारी

New Delhi, the 19th November, 1997

S.O. 3061.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Oil India Ltd. and their workman, which was received by the Central Government on 18-11-1997.

[No. L-30011/15-A/89-IR (Misc.)/IR (C-1)]
SANATAN, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch), Presiding
Officer, Industrial Tribunal, Orissa, Bhubaneswar.
Industrial Dispute Case No. 3 of 1990 (Central)
Bhubaneswar, the 29th October, 1997

BETWEEN

The management of M/s. Oil India Ltd., CBEP,
IDCO Tower, Janpath, Bhubaneswar.
First Party management.

AND

Their workmen represented through Orissa, Oil India
Mazdoor Union (CITU), Plot No. 251, Unit No.
3, Kharvelnagar, Bhubaneswar. ..Second Party-
workmen.

APPEARANCES :

Sri S. B. Nanda, Advocate—For the First Party-management.

Sri D. Mahanta, Advocate—For the Second Party-workmen.

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following disputes for adjudication vide their Order No. L-30011/15-A/89-IR (Misc.) dated 18-1-90 and subsequent corrigendum dated 7-8-90 :

- 1 "Whether the action of the management of Oil India Limited (BEP), Bhubaneswar in terminating the services of S/Shri B. R. Mishra and P. S. Guha Thakurtha, Radio Operators w.e.f. 6-1-89 and

not regularising their services is legal and justified ? If not, to what relief the said workmen are entitled ?"

2. "Whether the action of the management of Oil India Limited (BEP), Bhubaneswar in refusing employment to the 46 workmen mentioned in the Annexure w.e.f. the dates shown against them and not regularising their services is legal and justified ? If not, to what relief the workmen concerned are entitled ?"

2. The second party-union filed their claim statement on the averment that :

The first party management started functioning in Orissa for exploration of oil in the year 1979. To avoid to give legal dues and benefits to the employees, the first party-management engaged employees through contractors. The labourers engaged by the contractors raised various demands whereafter the first party management agreed to employ 51 workers. But in fact appointed 48 workers inclusive of two Radio Operators. The first party-management issued intermittent appointment letters in favour of the 48 numbers of recruited employees restricting the appointment for two terms only. The employees demanded regularisation of their services under the first party-management. The first party-management adopted unfair labour practice, terminated the services of the Radio Operators w.e.f 6-1-89 and ultimately refused further appointment in respect of the 46 workmen, also, without extending their span of appointment. The termination of employment of the employees originated at the time when conciliation proceeding on the regularisation of services of the employees was pending before the authorities.

On 6-4-89 it was discussed between the parties in the Office of the Assistant Labour Commissioner (Central) that the job from which the 46 workers have been thrown away, the same job is being carried out by the workers engaged through contractors. The termination of service of the employees involved in this reference, so also, refusal of employment to them are violative of Section 25-F of the Industrial Disputes Act. Section 25-N of the Industrial Disputes Act was not complied before termination of their services. The junior employees of the named persons of the reference are working under the first party-management violating the principles of Sections 25-G and 25-H of the Industrial Disputes Act.

One Doli Dei, W/o Balshabh Charan Sahoo, a named person of the reference has filed a separate claim statement that she is allowed to work in place of her husband. (a non-maintainable petition).

3. The first party-management filed its written statement on the averment that :

The first party-management set-up an exploration project office at IDCO Tower, Bhubaneswar and a supply base office at Paradip to undertake drilling of off shore belt as per the plan approved by the Government of India. For this exploration, global tenders were invited for the support services of the exploration. The contractors were engaging labourers. Initially 123 labourers were engaged through contractors. The labourers demanded regularisation of their services etc. for which a conciliation was effectuated but it failed on 17-12-86. Efforts were renewed through discussions on 5th January, 1987. It was agreed that on receipt of the report of the National Productivity Council on the manpower assessment in different categories of services the management will process the recruitment against purely temporary vacancies from amongst the existing contractors' labourers. The Bay Exploration Project on off shore and on-shore did not yield any result. The National Productivity Council's report was received on 7-3-87. The Council had recommended 43 posts in different categories

to be filled in during the year 1987. But the management further recruited eight workmen in addition to 43 and gave employment in pursuance to the Council's report

By virtue of a memorandum of settlement dated 22-7-87 in presence of the Assistant Labour Commissioner (Central), the management agreed to recruit certain categories of retrenched contract labourers on temporary basis including Sri B. R. Mishra and P. S. Guha Thakurtha, Radio Operators. But for the drilling pause the radio link established for operational purpose was stopped, therefore, the service of the two Radio Operators was terminated on expiry of their temporary employment period. Likewise, the services of other 46 temporary employees were also terminated on completion of their employment period.

Initially, the contractors have engaged the workmen. The Regional Labour Commissioner (Central) informed the first party-management that as per the Government of India Notification under the Contract Labour (Regulation and Abolition) Act, 1970 the contract labourers can not be engaged for sweeping, cleaning and during as well as watching of buildings. After termination of service of the temporary employees no recruitment whatsoever has been made since the company is not having any operation. As on 30-5-91 out of the 58 executives the strength has been reduced to 16.

The second party-union has no claim to be redressed.

4. On these rival pleadings the following issues have been framed :

ISSUES

1. Whether the first party's establishment is an 'industrial establishment' within the meaning of Section 25(L) of the Industrial Disputes Act ?
2. Whether the action of the first party in terminating the services of Sri B. R. Mishra and Sri P. S. Guha Thakurtha, both Radio Operators is legal and justified ?
3. Whether the action of the first party in not regularising Sri B. R. Mishra and P. S. Guha Thakurtha, Radio Operators is legal and justified ?
4. Whether the action of the first party in refusing employment to the workmen mentioned in the annexure to the reference is legal and justified ?
5. Whether Sri T. Jena, one of the workmen named in the annexure to the reference was dismissed and whether such dismissal is legal and justified ?
6. Whether the action of the first party in not regularising the services of the workmen mentioned in the annexure to the reference is legal and justified ?
7. Whether the first party violated the provisions of Section 25-F, Section 25-G, Section 25-H and Section 25-N of the I. D. Act in respect of the workmen concerned in the disputes in reference ?
8. To what other relief the workmen are entitled ?

ISSUE NO. 1 :

5. No evidence has been led by the first party-management to substantiate Issue No 1, presumably the first party-management has preferred to drop this issue No. 1.

ISSUE NO. 5 :

6. The second party-union has not led evidence about the dismissal of Sri T. Jena. The first party-management also not choosed to lay proof that Sri T. Jena was dismissed from service at any time. On the other hand, both the parties have confined their dispute to the reinstatement or otherwise of the 48 named persons of the reference wherein the name of Sri T. Jena is also included. But nevertheless, Issue No. 5 is beyond the scope of the reference, therefore, on the law enunciated in the citation reported in 1979 (38) F.L.R. Page 38 (Pottery Mazdoor Panchayat Vrs. Perfect Pottery Co. Ltd.), this Tribunal could not have adjudicated Issue No. 5.

ISSUE NOS. 2, 3, 4, 6 and 7 :

7. The parties have not disputed that the Bay Exploration Project was initiated from 1979 with its administrative Office at IDCO Tower, Bhubaneswar, a godown at Mancheswar and a supply base office at Paradip. According to M.W. No. 2, Oil India Ltd. appointed 'Azteca' for drilling operation inviting global tenders. Further, the Oil India appointed local contractors to support the work of 'Azteca' i.e., for loading and unloading of materials at the site and to do other ancillary works. 123 workers were engaged by licenced and authorised contractors for rendering service to the employer in its Bay Exploration Project in Orissa. Oil could not be explored and the Project came under a chequered career. In gradual process the volume of work was reduced. The executives of Oil India were transferred to different units of the unit leaving the bare minimum. The contractors contemplated to reduce the strength of workers. Tension mounted with the workers working under the authorised contractors. The workers demanded to be absorbed in the establishment of Oil India and not with the contractors. Ultimately, it was settled between the parties that the first party-management will re-induct 51 workers inclusive of two Radio Operators on purely temporary basis. The second party-union preferred writ in the Hon'ble Orissa High Court vide Ext. 13 for reinstatement of the retrenched workman. The first party-management preferred Civil Appeal (S.L.P.) vide Exa. 14. Hon'ble Apex Court set at naught impact of Ext. 13. As revealed from Ext. 14 the Hon'ble Apex Court have referred to the "amendment made to the reference by order dated 7-8-90" and have observed that, "we cannot therefore find any error or illegality in the order of reference. xxx". Therefore, barring the reference communicated by the Government of India. Ministry of Labour (reference No. L-30011/15-A/89-IR (Misc.) dated 7-8-90), there is no other matter to be answered in this reference. In the circumstances, Exts. 13 and 14 are no more relevant documents for adjudication of this case except the reference which has been finally uphold by the Hon'ble Apex Court.

8. On the consent of both the parties, the National Productivity Council was to submit its report showing the requirement of the numbers of personnel required for the job then available to be manned by the first party-management. The National Productivity Council submitted its report vide Ext. C. After the origin of Ext C the parties entered into a tripartite settlement vide Ext. B (corresponds to Ext. 9). It was agreed by the parties that the management is to re-induct 51 labourers (43 as per the recommendation of the National Productivity Council and 8 additional skilled) purely on temporary basis from amongst the 123 retrenched contract labourers. There is no dispute also that after the origin of Ext B. 48 workmen were given appointment orders by the first party-management for one year in two different counts leaving a break in between the two periods. In their appointment orders marked Ext. A series it has been found mentioned "this appointment is purely temporary as the project which will be valid for 6 months from 18-9-87 to 17-3-88. This temporary employment is terminable at any time by intimation in writing without assigning any reason or reasons thereof." The services of two Radio Operators were not extended for any further period. The management has taken the stand through M.W. No. 2 that service of further retrenchment order was not necessary since span of service was stipulated in the appointment orders communicated to the workmen. The second party-union laid its contention that by not communicating the required prior notice showing the date of retrenchment,

the management has contravened Section 25-F of the Industrial Disputes Act. The first party-management placed reliance in Section 2(oo) of the Industrial Disputes Act and repelled the contention thus advanced with reference to the terms embodied in the appointment orders. On going through these rival contentions, the exception provided to Section 2(oo) (b) of the Industrial Disputes Act will be applicable to this case in view of the contextual mention of the span or period of employment in the appointment orders (Ext. A series), besides the undertaking furnished by each of the named person of the reference in Ext. A series coupled with the speculative report of the National Productivity Council. In this connection, it is preferable to quote the observations of the Hon'ble Court made in para-7 of the citation reported in 72 (1991) C.L.T. 404 (Chakradhar Tripathy Vrs. State of Orissa), which reads :

"As a result of this amendment, termination of service under the contractual supulation, of discharge simpliciter on the basis of non-renewal of the contract of employment will no more constitute 'retrenchment', as defined in Section 2(oo). If such terminations do not constitute 'retrenchment', there is no scope of application of Section 25-F of the Act to such cases of termination. Consequently, the ratio of the decisions like the one Hindustan Steel Ltd., V. The Presiding Officer, Labour Court, Orissa and others, (AIR 1977 SC 31) or in Santosh Gupta V. State Bank of Patiala (AIR 1980 SC 1210), relating to retrenchment would have no application after the amendment."

In the case at hand, the Tribunal is satisfied that the mention of span of engagement in the appointment orders (Ext. A series) is not a colourable exercise of power to defraud the workmen but originated out of contingencies then prevailing.

9. The second party-union further laid stress that such temporary appointment giving an intermittent break for two terms could not have been given by the first party-management. Such act of the first party-management is a pure victimisation to the aggrieved workmen of the second party-union. To repel this contention, the management has contended that survey to explore oil is not a completed project, but on the other hand, after hydro-carbon is detected followed with satisfaction that, detected hydro-carbon is commercially viable, the installation project of a permanent nature will begin. In the circumstances, recruitment of permanent staff is not economically viable. With this broad based view the first party-management had engaged the contractors to get the works done promptly through them. The first party-management also contended that the project being of temporary nature, the appointment thus provided after the origin of Ext. B was also of a temporary nature on casual basis. The contention advanced by the first party-management seemed reasonable and is accepted.

10. As revealed from item No. 1.2 and 1.6 of Ext. C/5 drilling at Mahanadi basin was in progress by the time the report Ext. C was being prepared. It was expected that the on-shore drilling project at Mahanadi basin was scheduled to be completed by August, 1987. In this context, M.W. No. 1 has said "till 1988 the survey work was undertaken through foreign contractors, but no resource regarding hydro-carbon could be detected and explored. Hence, since 1988, August-September survey work has been suspended and it has not been undertaken as yet. Prior to 1988 the foreign contractors who had undertaken the job of survey closed their survey and left the country". This testimony of M.W. No. 1 has remained unchallenged on this directions. W.W. No. 1 has also said two units of Orissa (one at Bhubaneswar and the other is of Paradip) had undertaken the survey work to find out natural gas and petroleum both in off shore and on-shore. The project though is existing but I do not know whether survey work is in progress or over." W.W. No. 1 has further said, "I saw such operation for the last time in 1989. There is no operation of drilling presently going on at the spot where I had seen such drilling operation at Konark and salepur. On an appreciation of the testimony of W.W. No. 1 it can be said that the drilling work has

remained closed or suspended from 1988 or 1989. In the midst of gradual shut-down of the project the report of the National Productivity Council originated. Naturally, the National Productivity Council had not taken into consideration the freezing of the project in August-September, 1988. Thus, Ext. C, the report of the National Productivity Council inclusive of Ext. 2 was a speculative assessment of the manpower required by the Oil India Ltd. after it was in fact shut-down in August-September, 1988.

11. The second party union pressed forward the citation reported in AIR 1964 SC 160 (Sir Silk Ltd. V. Government of Andhra Pradesh) and contended that the settlement, Ext. B is binding upon the parties. The citation is distinguishable. This Tribunal has already come to a finding that the settlement originated out of a speculative report. The foundation not being sound, the edifice is bound to crumble.

12. It has been brought on evidence that the first party-management is renewing the Radio licence each year. Renewal of Radio sets ipso facto will require renewal of licence. It cannot be said that the first party-management will throw away its Radio sets. Exts. 3, 4, 5/ and 15 relates to the engagement of personnel for the maintenance of Radio sets retained by the first party-management. 'Maintenance' of Radio sets is not synonymous with the use of Radio sets. It has not been elicited that there was transmission of message by the Radio sets, much less from August, 1988. Therefore, the work carried out through contractors cannot be assailed, that to deprive the appointment of Radio Operators the contractors have been engaged.

13. Exts. 1, 6, 7, 10, 11, 12, 16 and 17 relate to the entrustment of watch and ward service to the stores of the first party-management. There is a lot of difference between the work capability of the security guards and temporary employees who have no liability to discharge in case of pilferage and theft of the goods and valuable articles of the first party-management, therefore, the engagement of security personnel cannot be assailed to be the outcome to deprive the engagement of the named persons of the reference.

14. Ext. 8 series relates to the entrustment of maintenance of electrical goods to the contractors. The utility of an electrician to the over-all performance of maintenance work of electrical goods has not been laid before this Tribunal through the lone witness examined on behalf of the second party-union as W.W. No. 1. In absence of such material, the engagement of contractor for the maintenance of electrical items cannot be assailed to be lack of bonafidness on the part of the first party-management.

15. The first party-management has also handed over contract for effectuating material handling services at Mancheswar to a private firm as evidenced by Exts 18, 18/1, 18/2, 18/3 and 18/4. These handling of materials could not have been effectuated by persons, much less the named persons of the reference. Ext. 18 transpires that at times heavy materials were being loaded by crane. Thus, the contract given to private firm by the first party-management for material handling services cannot also be assailed.

ISSUE No. 8 :

16. This Tribunal has already come to a finding that the named persons of the reference have not undergone retrenchment within the scope of Section 25-F of the Industrial Disputes Act. M.W. No. 1 has said that the work of the first party-management has remained suspended from August-September, 1988. The word 'suspension' is unknown to the Industrial Disputes Act, but however this Tribunal is of the view that "suspension" denotes temporary closure. Further, on the facts of the case, this Tribunal is of the view that the project of the first party-management was closed-down for unavoidable circumstances beyond the control of the employer. The foreign collaboration in the name of 'Azteca' withdrew the survey work, the survey work which was yet to progress was bound to suffer. In the circumstances, when the project of the first party-management is closed for the time being it will be quite absurd to say on the issue of regularisation of services of the named persons of the reference, but nevertheless the proviso to Section 25-FFF of the Industrial Disputes Act is attracted. In the circum-

tances, each of the named persons of the reference are required to be paid wage not exceeding three month's pay. The computation being made on the average of three month's pay.

17. On the question of regularisation of services of the named persons of the reference, Ext. A series go to show that the named persons of the reference have been brought over to the direct control of the first party-management giving a good-bye to the contractors. Therefore, whenever the work of the Project of the first party-management would recommence the named persons of the reference should again be recruited in the same post within the scope of Section 25-H of the Industrial Disputes Act subject to their medical fitness.

The reference is answered and the Award is passed accordingly.

Dictated and corrected by me.

M. R. BEHERA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1997

का.भा. 3062.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में एच.पी.सी.एल. के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-97 को प्राप्त हुआ था।

[सं. एल-30012/29/91-आई आर (बिबि)/आई आर (सो-I)]

सनातन, डेस्क अधिकारी

New Delhi, the 19th November, 1997

S.O. 3062.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No.-1), Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. H.P.C.L. and their workman which was received by the Central Government on 18-11-97.

[No. L-30012/29/91-IR(Misc.)/IR(C-I)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

Shri Justice R. S. Verma, Presiding Officer.
Reference No. CGIT-9 of 1992

PARTIES:

Employers in relation to the management of Hindustan Petroleum Corporation Ltd.,

AND

Their Workmen.

APPEARANCES:

For the Management: Shri R. N. Shah, Advocate,
Shri Pota, Advocate.

For the Workman: Shri N. S. Paranjpe.

State: Maharashtra.

Mumbai, the 21st day of October, 1997

AWARD

1. The Government of India in the Ministry of Labour by Order dated 13-2-92 has referred the following dispute for adjudication to this tribunal:

"Whether the action of the management of Hindustan Petroleum Corporation Ltd., Bombay in terminating the services of Mr. K. B. Sawant, Clerk-Typist with effect from 27th August, 1990 is legal and justified. If not, what relief the workman is entitled to?"

The Hindustan Petroleum Karmachari Union filed its Statement of claim, to espouse the case of the workman on 27-11-92 wherein inter alia the legality, propriety and the fairness of the domestic enquiry held against the workman was challenged. The Hindustan Petroleum Corporation, hereinafter the Corporation, filed its reply to the Statement of Claim on 12-5-93 and denied that the enquiry held against the workman was not fair, legal or proper. It submitted that the workman was involved in a serious case of fraudulent transactions which were proved at a proper enquiry after detailed charge sheet. The Disciplinary Authority found the workman guilty in agreement with the finding of the Enquiry Officer, which findings were based on proper evidence and hence the dismissal of the workman was just and proper.

2. The question of legality, fairness and propriety of the domestic enquiry came up before me on 15-11-96, where at I heard both the sides in details. The Enquiry was held to be fair, legal and proper by me by order dated 15-11-96 which may be treated as part of this Award and is appended hereto as Annexure I.

3. It may be proper to recall here that the workman/Union did not lead any evidence in support of its case that the enquiry held against the workman was not legal fair and proper. Only certain oral submissions were made which were considered by me by the aforesaid order dated 15-11-96.

4. The matter has now come up before me for ascertaining if the finding of the Enquiry Officer and the Disciplinary Authority are perverse and not based upon any legal evidence. Both the sides have relied upon the proceedings of the domestic enquiry in support of their respective contentions. On behalf of the Union, it has been contended that there is no evidence worth the name to support the charge against the workman. As against this the case of the Corporation is that the charge is fully established by the admission made by the workman before the Investigating Officer who was examined at the domestic enquiry to prove the charge against the workman.

5. Before I turn to the contentions, I may advert to the findings recorded at the domestic enquiry. The charge against the workman reads as follows:

March 27, 1987

Shri K. B. Sawant,
Emp. No. 001587,
Oil Exchange Deptt.,
Petroleum House.

CHARGE SHEET

It has been reported against you as under:

During the period July 1985 to November 1985 about 113 persons were issued gas connections, who had no consumer numbers and not enrolled in the waiting list for gas connection with our dealers, on the strength of false affidavits stating that they had cylinders and regulators but had lost the Transfer Vouchers and that there was no record available in their possession but without confirmation from the dealer issuing TVs. During the said period you were working as a Travel Peon posted at Petroleum House in Travel Department. In the investigation it was found that the said gas connections were regularised by issuing letters signed by Shri E. D. Santhanam, the then Marketing Officer, LPG, posted at Hindustan Bhawan. It was further revealed that you played the role of a mediator for wrongful gain and arranged for false affidavits in the name of 113 consumers with the help of some Advocates/Notary Public. As a result of the same the consumers were charged deposits which were prevalent at the time of issuing termination

vouchers as mentioned in the false affidavits when actually the consumers had to pay deposits at the rate of Rs. 500 per cylinder as prevalent at the time of allotments in 1985. The amount actually deposited by the consumers with the dealers ranged from Rs. 195 to Rs. 305 per cylinder instead of Rs. 500 per cylinder. Due to this the Corporation had lost an amount of Rs. 29,335 which in normal course the consumers would have deposited with the Corporation at the time of allotment of gas connections/release of connections in 1985. You by preparing false affidavits in the name of consumers and getting gas connections released on the basis of false affidavits cheated the Corporation. Further, it was revealed that the consumers to whom LPG connections were released on the basis of false affidavits paid amounts varying from Rs. 1000 to Rs. 2000 per gas connection and the differential amounts over and above the amount deposited to the company for releasing the said gas connections were shared among you, Shri E. D. Santhanam, Advocates, Notary Public and contact man.

You have thus misused your position as an employee of the Corporation, connived with Shri E. D. Santhanam, contact man and others, got false affidavits and documents prepared for releasing gas connections to parties who were not actual consumers of gas prior to releasing the consumers numbers on the basis of false affidavits and were not liable at the point of time of releasing the gas connection for getting illegal gratifications from the parties.

The above action your part amounts to serious misconducts as under :

1. Theft, fraud or dishonesty in connection with employer's business or property ;
2. Taking or giving bribes or any illegal gratifications ;
3. Breach of any law applicable to the establishment.

You are required to submit your written explanation within 72 hours of receipt of this letter failing which it will be presumed that you have no explanation to offer and the Corporation shall proceed further in the matter as deemed fit.

The statement of allegations, list of witnesses, and documents and details of consumers to gas connections were released on the basis of false affidavits, together with details of deposits charged are attached.

Further, your suspension pending enquiry as per order dated 24-11-86 will continue until further orders. You will be entitled to subsistence allowance during the period of your suspension as per rules applicable to you.

H. A. D'SILVA,
General Manager, Finance (Mktg.)

6. The workman denied the charge with the result that a domestic enquiry was duly held. At the domestic enquiry, both oral and documentary evidence was led. The Enquiry Officer did not find the charge proved in respect of all the 113 transactions referred to in the charge sheet. However he found that the charge had been established in respect of at least six transactions, in which the workman played an active role in procuring fraudulently gas connections for six persons. At least in one matter, he went to the extent of forging the signatures of one of the allottees. None of the six allottees were entitled to any allotment of any gas connections. Thus, the workman committed grave misconducts. The principal plank of this finding was the statement of the workman himself recorded during the course of investigation, wherein he gave details of the six fraudulent transactions and the actual role played by him in procuring the six gas connections. They pertained to six customers viz. Shilkar, U. B. Awati, R. H. Pandit, R. R. Jadhav, S. S. Shanbaug, and S. R. Vispute. All this was done by him in collusion with one Deepak Patel, the six customers and one Mr. Santhanam. That the workman gave such a statement was proved by examining the scribe of the statement viz. Police Officer Mr. Jagtap.

7. The Enquiry Officer found from the material placed on record that the workman was not related with L. P. Gas reconnections. From the evidence on record it was found proved that Shri E. D. Santhanam was Senior Marketing Officer at the LPG Marketing Office of the Corporation. The

workman knew Mr. E. D. Santhanam and also knew one Shri Deepak Patel residing at Dornai who was doing work of Gas piping repairing. The fact proved that in the month of July, 1985 Shri Deepak Patel came to the workman Shri K. P. Sawant and told him that one Shri B. C. Shilkar needed one gas connection. Shri Deepak Patel requested the workman to use his influence to get a connection for Shri B. C. Shilkar. Shri Deepak Patel assured the workman that he will meet whatever expenses that are likely to be incurred. The case of the management is that on being so approached by Shri Deepak Patel, workman Sawant asked him to see him in the Office. Thereafter Shri Deepak Patel came to his office and the workman took him to Shri E. D. Santhanam and sought his advice in the matter. Shri Santhanam told the workman that a person who wants a gas connection should state that he was having a gas connection at the place where he was staying earlier and should further state that the transfer voucher in connection of the said gas connection has been lost. This declaration was required to be made in an affidavit and upon such an affidavit a fresh connection could be ordered. Mr. Santhanam also prepared a specific format of affidavit to the workman.

7. The facts found further are that the workman along-with Shri Deepak Patel went to the District Court and got an affidavit typed out in the name of Shri B. C. Shilkar. The workman signed the affidavit in the name of Shri B. C. Shilkar and the same was got attested by one Notary Shukla. Thereafter Shri Deepak and the workman sent to the Office and handed over the affidavit to Shri Santhanam.

9. After 4 or 5 days on the basis of this affidavit Hindustan Petroleum Ltd. addressed a letter to Darshan Gas Agency, Kalwa for giving gas connection to Shri Shilkar. The affidavit referred to above was handed over to the workman who in turn handed over to Shri Deepak Patel. The expense incurred for the affidavit and other out going were met by Shri Deepak Patel.

10. The further facts found are that the workman similarly signed affidavits for Shri U. B. Awati, Mrs. R. H. Pandit, Shri R. R. Jadhav, Shri S. S. Shanbaug, Shri S. R. Vispute and got the necessary affidavit prepared with the help of Shri Deepak Patel and eventually gas connection were issued to Shri R. R. Jadhav, Shri S. S. Shanbaug and Shri Vispute.

11. The learned counsel for the workman has contended that the only evidence against the workman consist of his said admission made before the Investigating Officer on September, 2 1986 which is contained in the statement of the concerned Police Officer who was examined at the domestic enquiry. It is urged that the statement of the workman recorded during police investigation should not have been used against the workman and all other corroborative evidence should have been examined at the domestic enquiry. Since this has not been done the statement made by the workman to the Police Officer and containing the story as narrated above should have been rejected.

11. It is further contended that the workman had also made a judicial confession which has not been placed on record, and also on this count also the finding of the Enquiry Officer and the Disciplinary Authority be held as perverse and not as based upon any legal acceptable evidence.

12. As against this, learned counsel for the management urges that the strict provisions of the Indian Evidence Act do not apply to the present case. The charge against the workman is not required to be proved beyond reasonable doubt as is required to be done in a criminal case. At a domestic enquiry, the charge may be held established on the basis of pre-ponderance of probabilities. The workman could have produced certified copy of the judicial confession made during the course of investigation. He could have examined those persons whom he thought, would refute the case of the prosecution. The Police Officer namely Shri M. V. Jagtap was not cross examined to show that the statement recorded by him of the workman was not a truthful and voluntary version of what the workman had said. It is submitted that in a criminal trial this statement may not be of much use but in the domestic

enquiry this statement was clinching evidence against the workman and since it has not been shown that the statement was not voluntary or was false, in any way, the finding of guilt is just and proper.

13. I have considered the rival contentions and have perused the record. The statement of the workman recorded during police investigation is a valuable piece of evidence in domestic enquiry. The provisions of the Indian Evidence Act do not apply to domestic enquiries and the statement recorded by a Police Officer cannot be rejected merely because it was recorded during course of investigation by an Officer of the Police.

14. I have carefully gone through the cross examination of the Police Officer namely Shri M. V. Jagtap and I do not find anything to suggest that the Police officer did not record the statement of the workman accurately and correctly or that the statement of the workman was taken under any sort of duress or coercion or pressure or was not voluntary. Ex. 3 is the statement recorded by the Police Officer Shri M. V. Jagtap.

Shri M. V. Jagtap was subjected to a detailed cross examination but it was not suggested to him that the statement of the workman, recorded by him was in any way false, unreliable, untrue or not voluntary. Hence I find that the statement of the workman namely Ex. 3 recorded by Mr. Jagtap is a true and voluntary statement, made without any threat or pressure. The workman has not led any evidence to show that it was not so.

16. True, Judicial confession recorded in the case were not produced by the departmental representative. However, if the workman thought that the judicial confession was of some assistance to him, he could have produced the same in the domestic enquiry. Likewise, he could have produced witnesses, who according to him would have demolished the truthfulness of the statement made by him before Shri Jagtap. A contention was raised that various beneficiaries of the new gas connections were not examined and hence the statement of the workman may not be accepted. Suffice it to say, that all those beneficiaries were privies to the fraud and could not be expected to own their fraudulent deeds. If the workman thought that their testimony could be of some help to him, he could have examined them. Same applies to the case of Dipak Patel.

17. In the aforesaid circumstances, I find that the findings of the Enquiry Officer and the Disciplinary Authority are based on legally and properly admissible evidence and cannot be termed as perverse merely because some further corroborative evidence has not been produced at the domestic enquiry.

18. From the statement of the workman Ex. 3 recorded during the course of investigation, it is well established that the workman signed a false affidavit in the name of Shri B. C. Shikar impersonating himself, as Shikar and on the basis of such affidavit procured a gas connection for Shri Shikar to which he (Shikar) was not entitled. Likewise, he obtained gas connection for Shri U. B. Awati, Mrs. Pandit, Shri R. R. Jadhav, Shri S. S. Shanbhag, and Shri S. R. Vispute. I therefore reject the content on that the finding of the Enquiry and domestic Officer are perverse and are not based on any legal admissible material/evidence.

19. Now, remains the question of punishment. In my opinion it is a fit case where termination of the service was the only proper punishment. I therefore do not find any case of interference with the order of termination of service passed by the disciplinary authority. The workman/Union is not entitled to any relief in this matter.

Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1997

का.प्र. 3063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हेड पोस्ट मास्टर, हेड पोस्ट ऑफिस, कानपुर के प्रबंध-

तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-11-97 को प्राप्त हुआ था।

[सं. एन-40012/180/92-आई आर (डीयू)]
के. वा. बी. उन्नी, डस्क अधिकारी

New Delhi, the 13th November, 1997

S.O. 3063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Head Post Master, Head Post Office, Kanpur and their workman, which was received by the Central Government on 13-11-1997.

[No. L-40012/180/92-IR(DU)]

K. V. B. UNNY, Desk Officer

BEFORE SHRI B. K. SRIVASTAVA, PRE-
SIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBU-
NAL-CUM-LABOUR COURT, DEOKI
PALACE ROAD, PANDU NAGAR,
KANPUR

Industrial Dispute No. 5 of 1994

In the matter of Dispute between :

Raj Ram Tiwari,
C/o Shri V. N. Shekhri,
26/104 Birhana Road,
Kanpur.

AND

Head Post Master,
Head Post Office,
Bada Churaha Kanpur.

AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. 40012/180/92 dated 21-1-94 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Head Post Master, Head Post Office, Kanpur in terminating the services of Shri Raj Ram Tiwari, Halwal w.e.f. 14-11-91 is justified? If not, what relief the workman concerned is entitled to and from what date?

2. It is unnecessary to give the details of the case as the Au. Rep. of the concerned workman files application for close of the case. Hence the reference is answered against the concerned workman and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का.प्र. 3064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सहायक अभियन्ता, पोस्टल सिविल सब डिवीजन, भोपाल के प्रबन्धक के संबंध में निम्नलिखितों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं० एल-40011/24/89-डी०-2 (बी)]
के०वी०वी० उष्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asstt. Engineer, Postal Civil Sub-Division, Bhopal and their workman, which was received by the Central Government on 20-11-97.

[No. L-40011/24/89-DI (B)]
K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय श्रम औद्योगिक अधिकरण एवं श्रम न्यायालय,
जबलपुर म०प्र०

डी०एन० दीक्षित
पीठाधीन अधिकारी
सं०क्र० जीजीआईडी/एनसी(अनर) (138/90)

श्री कमलेश कुमार गह्राडे एवं

श्री लल्लू राम

मार्फत : रश्मि मेहता,

भारतीय टेलीग्राफिक विभाग के

(बीएम्एस), 44/26, सायब टाटा नगर,

भोपाल (म.प्र.)

प्रतिपक्षी

1. मुख्य कामिक अभियन्ता,
दूर संचार सिविल विंग,
जबलपुर (म. प्र.)
2. सहायक अभियन्ता,
सिविल विंग डिवाजन,
दूरसंचार, जी०टी०वी० काम्प्लेक्स,
भोपाल (म. प्र.)

प्रतिपक्षीगण

अद्यक्ष

दिनांकित : 30-09-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश सं० एल-40011/24/89-डी०-2(बी) दिनांक 15-5-90 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

SCHEDULE

“Whether the termination of Sri Kamlesh Kumar and Shri Lallu Ram, Sweeper by the management of the Asstt. Engineer, Postal Civil Sub-Division, Bhopal is justified or not? If not, to what relief the workman are entitled to?”

2. श्रमिक युनियन द्वारा प्रस्तुत कलेम में कहा गया है कि श्रमिक श्री कमलेश कुमार तथा श्रमिक श्री लल्लूराम को स्वीपर के पद पर नियुक्ति असिस्टेंट इंजीनियर, पोस्टल सिविल सब-डिवीजन, भोपाल ने दिनांक 3-5-87 को दी थी। दोनों श्रमिकों ने दिनांक 31-5-85 से 31-3-88 तक प्रतिपक्षी की सेवा में लगातार 1033 दिन कार्य किया। दि० 31-3-88 से दोनों श्रमिकों को सेवा से पृथक् कर दिया गया। सेवा समाप्त का यह आदेश अवैधानिक है। प्रार्थीगणों को सेवा में रहने का और स्थाई होने का अधिकार है। वेतन और अन्य राशियों का भी मांग की गई है।

3. प्रतिपक्षीगण की ओर से यह आपात की गई कि सहायक अभियन्ता दूरसंचार विभाग उद्योग की परिभाषा में नहीं आता, इस कारण विवाद का निराकरण इस न्यायालय द्वारा नहीं हो सकता।

4. उच्चतम न्यायालय ने न्याय दृष्टांत एअरआईआर-1996 सुप्रीम कोर्ट पेज-1271, सब डिवाजन इंस्पेक्टर ऑफ पोस्ट व अन्य बनाम यैथम जोसेफ व अन्य में यह निर्धारित किया है कि दूरसंचार विभाग धारा 2(जे) औद्योगिक विवाद अधिनियम, 1947 के अनुसार उद्योग की परिभाषा में नहीं आता। दूरसंचार विभाग की उद्योग की परिभाषा में न आने के प्रश्न पर उच्चतम न्यायालय ने इस न्याय दृष्टांत में स्पष्टीकरण रूप से निर्णीत किया है। मेरे विचार से उक्त न्याय दृष्टांत के आधार पर श्रमिकों को कोई सहायता

नहीं दी जा सकती। वर्तमान विवाद निरस्त किया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

5. अवार्ड का प्रांतिया नियमानुसार भारत सरकार, अम संव.लय को प्रेषित की जाती है।

डी. एन. दोशित, पीठासीन अधिकारी
30-9-97

नई दिल्ली, 20 नवम्बर, 1997

क.आ. 3065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.ओ. (टेलीकॉम) मथुरा के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. एल-40012/28/91-आईआर (बी.यू.)]
के. वी. बी. उन्नी, ईस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O. (Telecom), Mathura and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/28/91-IR(DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA :
PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRI-
BUNAL : NEW DELHI

I. D. No. 132/91

In the matter of dispute between :
Shri Shyam Baboo S/o Shri Doonger Singh,
through Shri Surinder Singh Advocate,
2/236. Namner, Agra (U.P.)-282001.

Versus

UP-Mandal Adhikari (Door Sanchar),
Mathura (U.P.)-281001.
Divisional Engineer,
(D.E.T.) (I.R.), Jhansi (U.P.)-284001.
2974 GI/97—16

APPEARANCES :

Shri Surinder Singh for the workman.
None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/28/91-I.R. (D.U.) dated 9-10-91 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether S.D.O. (T), Mathura was justified in terminating the services of Shri Shyam Baboo S/o Doonger Singh w.e.f. 1-10-1987 in violation of section 25-F of the I.D. Act, 1947? If not, to what relief the workman is entitled to?”

2. The case was filed for award when the representative for the management has brought to my notice a judgement Hon'ble Supreme Court of India reported in 1996 ILR 483 in which it was held as follows :—

“Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign function of the State as a Welfare State. It is not therefore, an industry.”

3. In view of this situation the management is covered under the judgment of the Hon'ble Supreme Court and as such is not an “industry”. The Industrial Dispute Act would not apply in this case. On this ground alone the reference made by the Government is dismissed as this court has got to jurisdiction. However, workman is at liberty to approach the appropriate authority for redressal of his grievance. The parties are left to bear their own costs.

11th November, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का.प्रा. 3066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार असिस्टेंट इंजीनियर (टेलीकॉम) रेलवे इलेक्ट्रिफिकेशन, आगरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. एल-40012/49/91-आईआर (डीयू)]
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asstt. Engineer, (Telecom), Rly Electrifications, Agra and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/49/91-IR (DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA :
PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRI-
BUNAL : NEW DELHI

I.D. No. 124/91

In the matter of dispute between :

Shri Janki Prasad S/o Shri Deep Chand,
aged 26 years R/o Village Sadaria,
Post Office Mehrara, Jalesar Road,
Distt. Mathura.

Versus

Assistant Engineer,
Telecom, Railway Electrification,
1/13, Vibhav Nagar, Agra-282001.
APPEARANCES :

None for the parties.

AWARD

The Central Government in the Ministry of Labour vide is Order No. L-40012/49/91-I.R. (DU) dated 27-9-91 has referred the following industrial dispute to this Tribunal for adjudication :-

"Whether the DET/Railway Electrification, New Delhi and Asstt. Engineer Telecom, Railway Electrification, Agra are justified in terminating the services of Shri Janki Prasad w.c.f. 1-3-1989 and also not assigning proper seniority? If not, what relief the workman concerned is entitled to?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikarn and Others Vs. Thyam Joseph etc. laid down the law regarding P & T Department/Telecommunication being not an 'Industry'. It was held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutions functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

12th November, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का.प्रा. 3067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक्जीक्यूटिव इंजीनियर (टेलीकॉम), सिविल डिब्रीजन II, नई दिल्ली के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. एल-40012/49/91-डी. 2(बी)]
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Exe. Engineer (T), Civil Divn., II, New Delhi and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/65/91-D.2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 142/91

In the matter of dispute :

BETWEEN

Shri Baleshwar Kamti through
Circle Secretary,
All India P & T, Civil Wing Employees,
T-16, Atul Grove Road, New Delhi.

Versus

Executive Engineer (C),
Telecom Civil Division G.O.I.,
Atul Grove, New Delhi

APPEARANCES :

None—for the Workman.

Shri M. K. Sharma on behalf of Shri Anil
Sehgal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/65/91-D-2(B), dated 19-11-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Executive Engineer, Telecom, Civil Division, II, New Delhi in terminating the services of Shri Baleshwar Kamti vide Order No. TCD-I/EE/DR/128, dated 24-3-88 is justified? If not, what relief he is entitled to ?"

2. The case was fixed for arguments when the representative for the management as brought to my notice a judgment of Hon'ble Supreme Court of India reported in 1996 LLR 483 in which was held as follows :—

"Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation the management is covered under the judgment of the Hon'ble Supreme Court and as such is not an "Industry". The Industrial Disputes Act would not apply in this case. On this ground alone the reference made by the Government is dismissed as this Court has got no jurisdiction. However, workman is at liberty to approach the appropriate authority for redressal of his grievance. The parties are left to bear their own costs.

11th November, 1997

GANPATI, SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का०ग्रा० 3068.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मनेजर, दूरसंचार भोपाल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं० एल-40012/74/89-आई ग्रा० (डी यू.)]

के०वी०बी० उष्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Telecom, Bhopal and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/74/89-IR(DU)]

K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय,
जबलपुर (म०प्र०)

डी०एन० दीक्षित

सीनियर अधिकारी

प्र०क्र० सीजीआईटी/एलसी/(ग्रा०)-(१०)/१०

ब्रांच सेक्रेटरी,

ऑल इंडिया टेलीग्राफ

ट्रैफिक एम्पलाईज यूनियन
क्या० नं० 11/64, डाकतारनगर,
कोटरा, मुलतानाबाद रोड,
भोपाल-462001 (म०प्र०)

प्राथी

विरुद्ध

जनरल मैनेजर,
दूरसंचार, मध्य प्रदेश सर्कल,
भोपाल-462015 (म०प्र०)

प्रतिप्राथी

अवार्ड

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने
आदेश संख्या : एल-40012/74/89-आई०आर० (डी०यू०)
दिनांक 29-3-90 के द्वारा निम्नलिखित औद्योगिक विवाद
निराकरण हेतु इस अधिकरण को प्रेषित किया है :—

अनुसूची

SCHEDULE

“Whether the action of the management of General Manager, Telecom, Bhopal is not issuing regular selection grade in respect of D. D. Mehra, Asstt. Supdt. Telegraph Traffic is justified or not? If not, to what relief the workman is entitled?”

2. दोनों पक्षों को स्वीकार है कि श्री धर्मदास मेहरा दिनांक 22-12-75 को असिस्टेंट सुप्रीन्टेंडेंट टेलीग्राफ ट्रैफिक नियुक्त किए गए। इस वेतनमान में 7 वर्ष के बाद सिलेक्शन ग्रेड मिलना था। नवम्बर, 82 में जो विभागीय प्रमोशन कमेटी की मीटिंग हुई, उस समय तक श्री मेहरा के 7 वर्ष पूर्ण नहीं हुए थे। इसके पश्चात् विभागीय प्रमोशन कमेटी की 12-10-83 को मीटिंग हुई और श्री मेहरा के संबंध में निर्णय सीलबन्द लिफाफे में रखा गया। श्री मेहरा के विरुद्ध विभागीय जांच के आदेश 22-6-83 को दिये जा चुके थे। श्री मेहरा ने इसी विवाद को लेकर इस न्यायालय में प्रकरण क्रमांक: सीजीआईटी/एलसी (सी) (271)/87 प्रस्तुत किया, जिसका निराकरण दिनांक 20-7-88 को किया गया। मेरे विद्वान पूर्वाधिकारी ने श्री मेहरा को सिलेक्शन ग्रेड दिनांक 1-2-81 से 14-11-83 तक दिलाया। इस आदेश के विरुद्ध नियोजक ने केन्द्रीय प्रशासनिक अधिकरण, जबलपुर में अपील की और अपील में दिनांक 11-5-90 को इस न्यायाधिकरण का आदेश दिनांक 20-7-88 संशोधित किया गया। श्रमिक को 21-12-82 से सिलेक्शन ग्रेड पाने की पात्रता बताई।

3. श्रमिक के अनुसार उसके जैसे ही 7 वर्ष पूर्ण हुए, उसे सिलेक्शन ग्रेड पाने की पात्रता है। श्रमिक ने 1-2-81 से 14-11-83 तक सिलेक्शन ग्रेड पाने की पात्रता बताई। केन्द्रीय प्रशासनिक अधिकरण के निर्णय दिनांक 11-5-90 में स्पष्ट उल्लेख है कि श्रमिक के संबंध में जो विभागीय, पक्षोपार्थ कमेटी की अनुशंसा सीलबन्द लिफाफे में बंद है उसे खोली जाए और उसके अनुसार लाभ दिया जाए।

दुर्भाग्य से जो पूरा प्रमाण अपनाई गई, वह नियमों के विपरीत है। श्रमिक दिनांक 21-12-82 से सिलेक्शन ग्रेड की मांग कर रहा है।

4. नियोजक के अनुसार 7 वर्ष पूर्ण होने के पहले श्रमिक सागर में डीटीओ था और वहां वित्तीय अनियमितता के कारण उसके विरुद्ध विभागीय जांच की गई। इस विभागीय जांच में उसे दो वर्ष के लिये एक वार्षिक वेतन-वृद्धि रोकी गई। एक अन्य विभागीय जांच भी श्रमिक के विरुद्ध चल रही है। केन्द्रीय प्रशासनिक अधिकरण के निर्णय दिनांक 11-5-90 के पश्चात् सीलबन्द लिफाफा खोला गया और यह पाया गया कि श्रमिक को विभागीय प्रमोशन कमेटी ने सिलेक्शन ग्रेड के पाने के लिए उपयुक्त नहीं पाया। ऐसी स्थिति में श्रमिक को सिलेक्शन ग्रेड नहीं दिया गया। नियोजक यह चाहता है कि अकारण ही श्रमिक बार-बार न्यायालय जा रहा है, इस कारण व्यय सहित प्रकरण निरस्त किया जाए।

5. केन्द्रीय प्रशासनिक अधिकरण ने ओए-641/88 धर्मदास मेहरा विरुद्ध सीजीएम, टेलीकम्युनिकेशन, भोपाल और अन्य के निर्णय में जो दिनांक 11-5-90 को पारित हुआ, दोनों पक्षों को सुनकर यह पाया कि विभागीय प्रमोशन कमेटी की अनुशंसा जो सीलबन्द में रखी है, खोली जाए और उसकी अनुशंसा के अनुसार श्रमिक को लाभ दिया जाए। नियोजक ने यह अनुशंसा खोली है। विभागीय प्रमोशन कमेटी ने यह अनुशंसा की है कि वर्तमान श्रमिक को सिलेक्शन ग्रेड नहीं दिया जाए। इसी के पालन में नियोजक ने कार्यवाही की है।

6. वर्तमान विवाद का निराकरण केन्द्रीय प्रशासनिक अधिकरण ने प्र०क्र० ओए-641/88 में दिनांक 11-5-90 को कर दिया है। भारत सरकार का जो रिफरेंस है, उस पर नये सिरे से विचार करने की आवश्यकता इस न्यायाधिकरण को नहीं है।

7. यह अवार्ड दिया जाता है कि नियोजक ने श्री धर्मदास मेहरा के संबंध में जो भी कार्यवाही की है, वह विधिमत है और नियमों के अनुसार है। इस कार्यवाही में हस्तक्षेप की आवश्यकता नहीं है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

8. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय को भेजी जाती है।

दिनांकित : 27-10-1997

डी०एन० दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 20 नवम्बर, 1997

AWARD

का.आ. 3069-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट ऑफ पोस्ट ऑफिस, नई दिल्ली के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. एल-40012/90/93-आईआर(डीयू)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Office, New Delhi and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/90/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 89/1994

In the matter of dispute :

BETWEEN

Shri Prem Singh S/o. Late Shri Jeet Singh, E.D.
Chowkidar, C/o. Delhi Labour Union,
Aggarwal Bhawan,
G.T. Road. Tis Hazari,
Delhi-110054.

Versus

The Management of M/s. Post & Telegraph
Department through its
Assistant Superintendent of Post Office,
District Court Post Office,
Tis Hazari, Delhi-110054.

APPEARANCES :

Shri C. P. Aggarwal—for the Workman.

None—for the Management.

The Central Government in the Ministry of Labour vide its Order No. L-40012/90/93-IR(DU), dated 12/17-8-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Senior Superintendent of Post Office in terminating the services of Shri Prem Singh, E.D. Chowkidar w.e.f. 31-8-89 is justified? If not, what relief the concerned workman is entitled to?"

2. The Hon'ble Supreme Court in case 1996 LLR 486 Sub-Divisional Inspector of Posts, Vaidam and others vs. Theyyam Joseph etc. laid down the law regarding P & T department/Telecommunication being not an 'Industry'. It was held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court of forum for redressal of their grievance, according to law. Parties are left to bear their own costs.

10th November, 1997

GANPATI, SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का.आ. 3070-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शिकल फैक्ट्री, जबलपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. एल-14011/10/88-डी. 2(वी)]

के.वि. भरतनुण्णा, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vehicle Factory, Jabalpur and their workman, which was received by the Central Government on 20-11-97.

[No. L-14011/10/88-D-2(B)]

K. V. B. UNNY, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय,
जबलपुर, म.प्र.

डी.एन. दीक्षित

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एलसी/आर/115/1991

श्री अरविन्द मिस्त्री एवं अन्य

मार्फत : व्हिकल फैक्ट्री वर्कर्स यूनियन

मकान नं. 489, व्याहारबाग,

जबलपुर (म.प्र.)

—प्राचीं

विरुद्ध

महाप्रबंधक,

व्हिकल फैक्ट्री,

जबलपुर म.प्र.

—प्रतिप्राचीं

अर्थात्

दिनांक 20-10-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश सं. एल-14011/10/88-डी. 2(बी) दिनांकित 12-6-91 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

SCHEDULE

"Whether the demand of Shri Arvind Mistry and other eight hundred thirty nine skilled workers as per the list enclosed as Annexure-A' and 'A-1' of Vehicle Factory, Jabalpur, for up-gradation to highly skilled grade it is justified? If so, what benefits they are entitled for?"

2. दोनों पक्षों को स्वीकार है कि श्रमिक, जिनका वेतनमान रुपये 260-400 था, व्हिकल फैक्ट्री, जबलपुर में तृतीय वेतन आयोग के प्रभावशील होने के समय कार्यरत थे। इसके ऊपर का स्केल कुशल कारीगर वर्ग-2 का स्केल 330/- रुपये से प्रारंभ होता है। नीचे का स्केल अर्द्धशिक्षित कारीगरों का रुपये 210/- प्रतिमाह से प्रारंभ होता था।

3. रुपये 260/- का स्केल पाने वाले कुशल श्रमिक का प्रमोशन रुपये 330/- के स्केल में ज्यादा कुशल श्रमिक के पद पर होता है। ये सभी श्रमिक 3 वर्ष की ट्रेड अप्रेंटिसशिप की ट्रेनिंग लिये होते हैं तथा सभी ने एनसीटीबीटी (नेशनल कॉन्सिल फार ट्रेनिंग पद वोकेशनल ट्रेड) का टेस्ट पास किया होता है। इतने सब के बाद श्रमिक कुशल कारीगर रुपये 260/- के स्केल में नियुक्त होता

है। भारत शासन ने स्किल्ड आर्टीसन ट्रेनिंग स्कीम, आर्डनेंस फैक्ट्री और आर्डनेंस इक्विपमेंट फैक्ट्री के लिये प्रारंभ की। इरादा ये था कि कुशल कारीगर प्राप्त हो सके। इस ट्रेनिंग के लिये रुपये 210/- स्केल पाने वाले सेमी-स्किल्ड श्रमिकों से आवेदन आमंत्रित किये गये और रुपये 260/- स्केल पाने वाले कुशल श्रमिकों को मौका नहीं दिया गया। इसी स्कीम में यह भी उल्लेख था कि जो श्रमिक विभागीय नौकरी से आएंगे, उनको अगला स्केल दिया जायेगा। चतुर्थ वेतन आयोग के समय जो विसंगतियां कुशल कारीगरों के वेतन निर्धारण में आई, उसके लिये एक एक्सपर्ट क्लासिफिकेशन कमेटी नियुक्त की गई। इस कमेटी ने जो नये स्किल्ड वर्कर थे, उनको रुपये 330/- से प्रारंभ होने वाला स्केल दिया। इस प्रकार नौकरी में कनिष्ठ और तजुर्बे में कम लोगों को ज्यादा वेतन दिया गया। रुपये 260/- पाने वाले कुशल कामगार यह चाहते हैं कि उनको भी रुपये 330/- का स्केल दिया जाये, क्योंकि वे पूर्व से ही कुशल कामगार थे, इस कारण कुशल कामगार ट्रेनिंग में नहीं जा सकते थे।

4. व्हिकल फैक्ट्री की ओर से ऐसा कहा गया कि स्किल्ड आर्टीजन ट्रेनिंग स्कीम वर्ष 81 से प्रारंभ की गई। इसका उद्देश्य कुशल कारीगर प्राप्त करना था। इसके लिए प्रवेश परीक्षा रखी गई और कम से कम शैक्षणिक योग्यता मैट्रिकुलेशन गणित विषय लेकर रखी गयी। दूसरी योग्यता नेशनल अप्रेंटिसशिप सर्टिफिकेट पास होने की रखी गई। विकल्प में यह रखा गया कि कम से कम 3 वर्ष का अनुभव सेमी-स्किल्ड वर्कर, न्यूनतम वेतन रुपए 210/- प्रतिमाह का रखा गया। यह ट्रेनिंग डेढ़ वर्ष की थी। इस ट्रेनिंग के लिये कार्यरत कर्मचारियों के अलावा बाहर के लोगों को भी आमंत्रित किया गया और उनके आवेदन पर विचार किया गया। प्रवेश परीक्षा में लिखित परीक्षा हुई, प्रैक्टिकल परीक्षा हुई, साक्षात्कार हुआ, सायबो टेक्नीकल बैस्ट हुआ और बाद में शारीरिक परीक्षण हुआ। इन सब रस्तों के आधार पर योग्यता सूची बनी और उसके आधार पर ट्रेनिंग हुई। यह ट्रेनिंग विभाग में कार्यरत कर्मचारियों के लिये थी थी और बाहर से आने वाले लोगों के लिये भी थी। जब ट्रेनिंग पूरी हो रही थी, तभी तृतीय वेतन आयोग की सिफारिशें आ गईं और सरकार के ने कुशल कारीगरों की श्रेणी में वेतनमान नियत करने के लिये एक्सपर्ट क्लासिफिकेशन कमेटी बनाई। इस कमेटी ने यूनियन के दो सदस्य थे और शासकीय सदस्य थे। इस कमेटी ने अपना मापपण बनाया और उसके आधार पर कुशल श्रमिकों को अलग-अलग स्केल देने की सिफारिश की, जो कामगार डेढ़ साल की ट्रेनिंग करके आये थे, उनकी शैक्षणिक योग्यता, तकनीकी योग्यता और अनुभव को देखते हुए उनको रुपये 330/- का स्केल दिया गया। कुशल श्रमिक के विभिन्न वर्गों के लिए दो प्रकार का स्केल है। 80 प्रतिशत कुशल श्रमिक प्रमोशन से लिये जाते हैं और 20 प्रतिशत ट्रेनिंग के माध्यम से लिये जाते हैं, जो कुशल श्रमिक डेढ़ वर्ष की ट्रेनिंग के

बाद आये, वे 20 प्रतिशत के बोनस से आय। इसमें कुछ विभाग के पुराने श्रमिक थे और कुछ नए श्रमिक थे। वर्तमान श्रमिकों ने इस ट्रेनिंग के लिये आवेदन नहीं दिये। इस प्रकार उनको रुपये 330/- का स्केल पाने की पात्रता नहीं है।

5. स्क्रील्ड ग्रेड का जो ट्रेनिंग का नोटिफिकेशन प्रतिप्रार्थी ने निकाला उससे जो योग्यता माँगी गई, वह थी कि मट्रिकुलेशन गणित विषय के साथ पास होना चाहिए, इसके साथ ही नेशनल अग्रेंटिसशिप सर्टिफिकेट एक्जाम पास होना चाहिए और विकल्प में 3 वर्ष सेमीस्काल्ड चक्कर बतनमान रुपये 210/- में बाँटे किया जाना चाहिए। पूरी ट्रेनिंग की अवधि 3 वर्ष थी। आवेदन वांछित श्रमिकों से और बाहरी व्यक्तियों से आमंत्रित किये गये थे। इसके बाद उनका चयन लिखित परीक्षा प्रैक्टिकल परीक्षा, साक्षात्कार, सायबो टेक्नीकल टेस्ट और मंडीकल एक्जाम के बाद किया गया। 3 वर्ष की ट्रेनिंग इनको दी गई। इसी बीच तीसरे बतन आयोग की सिफारिश आ चुकी थी और भारत सरकार ने आर्बेस फैक्ट्रीज के लिये कारीगरों के बतन का निर्धारण एक्सपर्ट क्लॉसीफिकेशन कमेटी के द्वारा तय कराया। इस कमेटी ने जो स्क्रील्ड ग्रेड के कामगार थे, उनको रुपये 330/- का स्केल दिया।

6. जो लोग रुपये 260 का स्केल पा रहे थे, उनमें से किसी ने स्क्रील्ड ग्रेड के लिये आवेदन नहीं दिया। ये कुशल श्रमिक गणित लेकर मट्रिक पास थे और नेशनल अग्रेंटिसशिप परीक्षा पास थे। अर्थात् नहीं इस बात का ज्ञान नहीं है। एक्सपर्ट क्लॉसीफिकेशन कमेटी ने 260/- स्केल पाने वाले श्रमिकों को पात्रता नहीं दिया और इसके विपरीत स्क्रील्ड ग्रेड के ताजा प्रशिक्षण प्राप्त श्रमिकों को रुपये 330 का स्केल दिया।

7. रुपये 260/- पाने वाले कुशल श्रमिक यह चाहते हैं कि चूंकि उनको ज्यादा अनुभव और ज्यादा ज्ञान है इस कारण कुशल श्रमिकों में ताजा प्रशिक्षित पदों के समान वे 330 का बतनमान दिया जाये। एक्सपर्ट क्लॉसीफिकेशन कमेटी ने इस बात का परीक्षण किया और कुशल श्रमिक बतन रुपये 260 को बतनमान रुपये 330/- नहीं दिया। इस कमेटी में ट्रेड यूनियन के भी दो सदस्य थे और हर तरह से इस संघर्ष में श्रमिकों के ज्ञान और अनुभव के आधार पर उनको रुपये 260 का स्केल दिया गया। इस प्रकार ये जो ताजा कुशल श्रमिक प्रशिक्षित किये गये थे, उनको एक्सपर्ट क्लॉसीफिकेशन कमेटी ने रुपये 330 का स्केल दिया, उनको वे स्केल देने का आधार शैक्षणिक योग्यता और अनुभव था। रुपये 260 पाने वाले कुशल श्रमिक आज यह चाहते हैं कि चूंकि उनसे कमिंट 330 का स्केल पा चुके हैं इस कारण उनको भी वे स्केल दिया जाए। वे माँग किसी प्रकार की व्यावहारिक नहीं है। आवेदन के बाद लिखित परीक्षा, साक्षात्कार, सायबो टेक्नीकल परीक्षा, प्रैक्टिकल परीक्षा और थ्योरीटिकल परीक्षा के पश्चात् उनको ट्रेनिंग

में लिया गया था। इनको विशालीय कामगारों के अतिरिक्त बाहर के लोगों से भी प्रतिस्पर्धा करनी पड़ी। चयन के पश्चात् डेढ़ वर्ष की इन्टर्मीडियट ट्रेनिंग दी गई और इसके पश्चात् इनको कुशल कारीगर माना गया। ये सब ट्रेनिंग रुपये 260/- पाने वाले कुशल कारीगर को नहीं मिली, ऐसी स्थिति में एक्सपर्ट क्लॉसीफिकेशन कमेटी का निष्पक्ष विधिवत् है।

8. जो कुशल श्रमिक 260/- का स्केल पा रहे हैं उनको अगले प्रमोशन के लिये 80 प्रतिशत सीट उपलब्ध हैं। 20 प्रतिशत सीट सीधे भर्ती के लिये उपलब्ध हैं। इसी 20 प्रतिशत में ये नये प्रशिक्षित श्रमिक रखे गये हैं। इस प्रकार रुपये 260 स्केल पाने वाले कुशल कारीगरों को अगले स्केल रुपये 330 में जाने में कोई बाधा नहीं है।

9. मैं यह पाता हूँ कि जो प्रतिया प्रतिप्रार्थी ने अपनाई है, वह विधिवत् है और इसमें हस्तक्षेप की आवश्यकता नहीं है। वर्तमान आवेदकों को रुपये 330 प्रतिमाह स्केल पाने की पात्रता नहीं है। यही अवार्ड पारित किया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

10. अवार्ड की प्रतियाँ नियमानुसार भारत सरकार, श्रम मंत्रालय को भेजी जाती हैं।

डॉ० एन० दीक्षित, पीठासीन अधिकारी
नई दिल्ली, 20 नवम्बर, 1997

का०आ० 3071—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमांडिंग ऑफिसर, स्टेशन वर्कशॉप, ई० एम० ई०, सिकंदराबाद के प्रबंधन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-9 को प्राप्त हुआ था।

[सं० एल-14012/10/96-आई आर (डीयू)]
के० बि० दी० उन्नी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Commanding Officer, Stn. Workshop, EME, Secunderabad and their workman, which was received by the Central Government on 20-11-97.

[No. L-14012/10/96-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Shri V. V. Raghavan, B.A., L.L.B., Industrial
Tribunal-I, Hyderabad.

Dated, the 27th day of October, 1997

Industrial Dispute No. 37 of 1997

BETWEEN

Sri R. B. Singh, C/o. Dr. Pothukuchi
Sambasiva Rao, Advocate,
6-3-195, New Bhaiguda,
Secunderabad-500 003. . . Petitioner

AND

The Commanding Officer,
Station Workshop,
EME, Secunderabad-500 015. . . Respondent

APPEARANCES :

None—for the Petitioner
Sri P. Damodar Reddy, Advocate—for the
Respondent.

AWARD

The Govt. of India, Ministry of Labour, New
Delhi by its Order No. L-14012/10/96-IR (DU),
dated 25-6-97 referred the following dispute under
Section 10(1)(d) and 2(A) of the Industrial Dis-
putes Act, 1947 for adjudication :—“Whether the action of the management of
the Commanding Officer, Station Work-
shop, EME, Secunderabad in awarding
punishment, of compulsory retirement
to Sh. R. B. Singh, Telecom Mechanic
Civilian, Station Workshop, EME,
Secunderabad is inappropriate or not?
If not what relief he is entitled to?”2. After receipt of the said reference, this Tri-
bunal issued a notice to both the parties. The
respondent received the notice. The notice was
not served upon the petitioner, and the same was
returned by the postal authorities. On 26-9-97,
the U.D.C. of the respondent appeared and reported
that the petitioner workman died on 31-3-97.
For giving another opportunity to the family mem-
bers of the petitioner, a notice was issued to the
wife of the petitioner. The notice was served on
her. On 27-10-97, when the matter was called,
the wife of the petitioner, though notice was ser-
ved, did not appear and even no representation
was made on her behalf. It is presumed that she
is also not interested to prosecute the matter of
her husband. Hence, there is no alternative
except to close the reference. The I.D. is closed.Given under my hand and the seal of this Tri-
bunal on this the 27th day of October, 1997.No oral or documentary evidence is adduced by
both the parties.V. V. RAGHAVAN, Industrial Tribunal-I
Hyderabad

नई दिल्ली, 20 नवम्बर, 1997

कांशा० 3072—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय
सरकार जनरल मैनेजर ऑर्डिनेंस फैक्ट्री, इटारसी के प्रबंध-
तंत्र के संबंध नियोजकों और उनके कामकारों के बीच,
अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार
औद्योगिक अधिकरण, जबलपुर, के पंचाट को प्रकाशित करती
है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं० एल-14012/15/92-आई आर (डीयू)]

के०वी०बी० उन्नी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3072.—In pursuance of Section 17 of
the Industrial Disputes Act, 1947 (14 of 1947),
the Central Government hereby publishes the
Award of the Central Government Industrial Tri-
bunal, Jabalpur as shown in the Annexure, in the
industrial dispute between the employers in rela-
tion to the management of General Manager, Or-
dnance Factory, Itarsi and their workman, which
was received by the Central Government on the
20-11-97.

[No. L-14012/15/92-IR (DU)]

K. V. B. UNNY, Desk Officer.

अनुबंध

केन्द्रीय श्रम औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर
(म०प्र०)

डी० एन० दीक्षित

पीठासीन अधिकारी

प्र०क्र० सीजीआईटी/एलसी (आर) (184)/93
श्री मदनलाल वर्मा सप्लव श्री भागीरथ प्रसाद वर्मा,
मकान नं० 1342/टाइप-ए, आईनेंस फैक्ट्री, इटारसी
जिला-होशंगाबाद (म०प्र०)

—प्रार्थी

वि०

जनरल मैनेजर,
आईनेंस फैक्ट्री,
इटारसी जिला होशंगाबाद (म०प्र०)

—प्रतिप्रार्थी

अवार्ड

दिनांकित 23-09-1987

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या एन-14012/15/92-आई० आर० (डी० ए०) दिनांक 9-9-93 के द्वारा निम्नलिखित विवाद इस अधिकरण को निराकरण हेतु प्रेषित किया है :—

अनुसूची

“Whether the action of the management of General Manager, Ordnance Factory, Itarsi in removal from service of Shri Madanlal Verma, Ex. Watchman Ordnance Factory, is justified? If not, what relief the workman concerned is entitled to?”

2. दोनों पक्षों को स्वीकार है कि आर्डनेंस फैक्ट्री, इटारसी में श्रमिक श्री मदनलाल वर्मा दिनांक 7-5-89 को दरबान के पद पर कार्यरत था। इसी फैक्ट्री में श्री ई० आर० डी० पतिकर सुपरवाइजर थे और श्री पतिकर ने मिक्स्युरिटी आफिसर को श्रमिक के खिलाफ रिपोर्ट की।

3. श्रमिक के अनुसार श्री पतिकर की रिपोर्ट पर उसे दिनांक 10-5-89 को निर्विनित किया गया। उसे दिनांक 20-5-89 को आरोग्य-पत्र दिया गया। श्रमिक ने इसका जवाब दिया। इसके उपरान्त उसके विरुद्ध विभागीय जांच प्रारंभ की गई। 07-09-90 को श्रमिक को दोषी पाया गया। उसे नोटिस दिया गया कि उसकी सेवाएं क्यों न समाप्त की जाएं। श्रमिक ने विभागीय जांच को गलत बताया और निरस्त करने की प्रार्थना की। श्रमिक को श्री पतिकर के साथ असह व्यवहार करने के आरोप में सेवा-मुक्त किया गया। श्रमिक के अनुसार विभागीय जांच के निष्कर्ष और प्रक्रिया दोषपूर्ण है। जो दण्ड उसे दिया गया, वह तथाकथित कदाचार की तुलना में बहुत ज्यादा है। श्रमिक चाहता है कि आदेश दिनांकित 14-11-90 निरस्त किया जाए और उसे पुनः पुराने पद पर पद स्थापित कर वेतन और भत्तों का भुगतान कराया जाए।

4. प्रतिप्रार्थी के अनुसार दिनांक 7-5-89 को इटारसी शहर के बाजार में श्री पणिकर समान खरीद रहे थे, श्रमिक ने श्री रामसेवक, दरबान में श्री पणिकर पर हमला करने के ठगड़े से लाठी छितने का प्रयास किया और जब वह लाठी नहीं छित पाया तो रास्ते में पड़ी लकड़ी का टुकड़ा उठाकर श्री पणिकर पर हमला किया। प्रतिप्रार्थी ने इस घटना को गंभीर कदाचारण माना और श्रमिक के विरुद्ध विभागीय जांच के आदेश दिए। श्रमिक को पूरा अवसर विभागीय जांच में दिया गया। विभागीय जांच में जांच अधिकारी ने श्रमिक को कदाचार का दोषी पाया। श्रमिक को नोटिस दिया गया कि वह कारण बताए कि उसे सेवामुक्त क्यों न किया जाए। श्रमिक के उत्तर पर विचार किया गया और उसे वाद में सेवामुक्त किया गया। विभागीय जांच में जो प्रक्रिया अपनाई गई, वह पूर्ण रूप से विधिबद्ध है तथा श्रमिक को पूरा अवसर विभागीय जांच में दिया गया। श्रमिक के कदाचार के अनुरूप ही उसे दंड दिया गया।

5. इस न्यायालय में दिनांक 4-10-95 को श्रमिक ने विभागीय जांच का वैधानिक दाना स्वीकार किया है। दण्ड के संबंध में ही विवाद का निराकरण चाहता है।

6. विभागीय जांच में पहली बात जो वृत्तिपूर्ण है, वह यह है कि घटना बाजार की है और इसी बाजार से लगी हुई पुलिस जाँची है, किन्तु थाने में रिपोर्ट नहीं लिखाई गई। दूसरी वृत्ति यह है कि श्री रामसेवक, दरबान जाँ कि इयूटी में होना बताया गया है, उसने विभागीय जांच में ओरों की पुष्टि नहीं की। श्री रामसेवक ने विभागीय जांच में यह कहा है कि उसके सामने कोई झगड़ा नहीं हुआ। जांच में तथाकथित प्रत्यक्षदर्शी साक्षी श्री नारायणचंद्र ने यह कहा कि उसने कोई घटना नहीं देखी। प्रत्यक्षदर्शी साक्षी श्री श्रीरज कुमार ने विभागीय जांच में श्रमिक के विरुद्ध कोई कथन नहीं किया। स्वयं श्री पणिकर ने विभागीय जांच में यह कहा है कि उसने श्रमिक को धमकी देने नहीं मना इस प्रकार श्रमिक के विरुद्ध जो निष्कर्ष विभागीय जांच में निकाले गए, वह संतोषजनक नहीं है।

7. नर्क के लिए अगर मान भी लिया जाए कि श्रमिक ने पणिकर को बाजार में धमकी दी, ऐसी स्थिति में सेवा समाप्त का आदेश अत्यन्त करार है। मैं प्रतिप्रार्थी के निष्कर्ष और दण्ड में असहमत हूँ।

8. नोटित किया जाता है कि श्री मदनलाल वर्मा का सेवा-मुक्ति का आदेश अवैधानिक है और इसे निरस्त किया जाता है श्री मदनलाल वर्मा को नियमों के अनुसार वेतन और भत्ते की पावता रहेगी। दोनों पक्ष, इस प्रकरण का अपना-अपना व्यय वहन करें।

9. नियमों के अनुसार आवाइ की प्रतियां भारत सरकार श्रम मंत्रालय को भेजी जाती है।

डी० एन० दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 20 नवम्बर, 1997

का.आ. 3073.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर, मिक्स्युरिटी पेपर मिल, होणगावाड़ के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुधुध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. एन-14012/96/93-आई०आर०/डी०]
के.बी.बी. उष्णी, ईस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the

Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Security Paper Mill, Hoshangabad and their workman, which was received by the Central Government on the 20-11-97.

[No. L-40012/96/93-JR (DU)]

K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर
म. प्र.

जी. एन. दीक्षित

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एनसी/(आर) (187)/94

श्री एम.आर. वामलिया,

मार्फत: जनरल सैन्टेरी,

एसपीएम कर्मचारी यूनियन

होशंगाबाद (म.प्र.)

प्राथी

विरुद्ध

जनरल सैनेजर,

मिक्चूरिटी पेपर मिल,

होशंगाबाद (म.प्र.)

... प्रतिप्राथी

अवार्ड

दिनांकित: 17-10-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या: एल-40012/96/93-आई.आर. (डीयू) दिनांक 30-09-94 के द्वारा निम्नलिखित औद्योगिक विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

SCHEDULE

“Whether the action of the management of S.P.M. Hoshangabad for not considering Shri S. R. Ramuliya as a Head Time Keeper w.e.f. 1-4-80 in the pay scale of Rs. 1320-2040 is proper, legal and justified? If not, to what relief the workman concerned is entitled?”

2. दोनों पक्षों को स्वीकार है कि श्रमिक श्री एस.आर. वामलिया, प्रतिप्राथी मिल में वर्ष 75 से टाईमकीपर थे। श्री जी.वी. महाजन, हेड टाईम कीपर, दिनांक 15-4-90 को फायर प्रुमोटेड हो गए। श्रमिक को हेड टाईमकीपर 1-12-91 से बनाया गया।

3. श्रमिक के अनुसार दिनांक 15-4-90 को श्री महाजन हेड टाईम कीपर का पद रिक्त हुआ और उसी दिनांक से श्रमिक हेड टाईमकीपर होने का अधिकारी है। नियमों के अनुसार यह पद एक बार सामान्य श्रेणी में भरा जाता है और इसके बाद अनुसूचित जाति संवर्ग में भरा जाता है। श्रमिक अनुसूचित जाति का है और श्री महाजन सामान्य जाति के है। नियमों के अनुसार जैसे ही श्री महाजन ने हेड

टाईम कीपर का पद रिक्त किया, वह पद श्रमिक को मिलना चाहिए था। श्रमिक चाहता है कि यह घोषित किया जाए कि वह हेड टाईमकीपर के पद पर दिनांक 15-4-90 से पदस्थ हो और उसी दिनांक से इस पद का वेतनमान उगे दिया जाए।

4. एस.पी.एम. के अनुसार सन् 1975 में टाईम आर्किम बनाया गया और श्री महाजन हेड टाईमकीपर नियुक्त किए गए। अग्निशामक दल में फायर आफिसर का पद मार्च, 1980 में रिक्त था। इस संदर्भ में केन्द्रीय लोक सेवा आयोग ने मान को गई और जब कोई आफिसर नियुक्त नहीं किया गया, तब इस पद को फायर सुप्रीन्टेण्डेंट का बनाकर श्री महाजन को नियुक्त किया गया। श्री महाजन को इस पद पर उस समय तक रहना था, जब तक कि लोक सेवा आयोग फायर आफिसर का चयन कर प्रतिप्राथी मिल को नहीं भेजे। अग्निशामक सेवाएं अप्रैल 91 में केन्द्रीय औद्योगिक सुरक्षा बल को दे दी गई। इस बल ने भी श्री महाजन को फायर सुप्रीन्टेण्डेंट के पद पर कार्यरत रखा। श्री महाजन 1-7-92 को सेवानिवृत्त हुए, और उसी समय से हेड टाईम कीपर का पद रिक्त हुआ। श्रमिक को यह पद दिया गया। जैसा कि उक्त किया गया है श्रमिक 15-4-90 से इस पद का पाले के अधिकारी नहीं है।

5. एस.पी.एम. ने अपना जो उत्तरवाद प्रस्तुत किया है, उसमें यह उल्लेख है कि श्री जी.वी. महाजन को अस्थाई रूप से अग्निशामक दल का कार्यभार दिया गया है। इस पद पर लोक सेवा आयोग द्वारा चयनित व्यक्ति को आना था, इसके प्रयास लगातार किए गए। अगर लोक सेवा आयोग चयन कर भेज देता तो श्री महाजन पुनः हेड टाईमकीपर बन जाते। अग्निशामक दल में श्री महाजन का कार्य पूर्णरूप से अस्थाई था। श्रमिक की बात अगर मान ली जाए और अगर उसी दिनांक 15-4-90 से हेड टाईमकीपर बना दिया जाता तथा लोक सेवा आयोग से आफिसर चयन होकर आ जाता तो श्री महाजन के लिए कोई पद उपलब्ध नहीं था। जो भी प्रतिप्राथी एस.पी.एम. ने अपना है, वह पूर्णरूप से नियमानुसार आर वैधानिक थी।

6. किसी भी नियम या आदेश में यह उल्लेख नहीं है कि जिन दिन पद रिक्त हो, उसी दिन कनिष्ठ अधिकारी का प्रमोशन कर दिया जाए। सामान्य रूप से प्रमोशन प्रतिस्था में समय लगता है। एक श्री तोमर वर्तमान श्रमिक से सीनियर थे, इसके संबंध में भी स्थापना को विचार करना था। ऐसी स्थिति में श्रमिक का यह तर्क जिस दिन श्री महाजन अग्निशामक दल में गए, उसी दिन उसका प्रमोशन किया जाए, असंपूर्ण और अर्धवैधानिक है।

7. एस.पी.एम. ने जो भी प्रतिप्राथी अपनाई, उसकी पुष्टि की जाती है और इनके पदों में अवार्ड दिया जाता है। श्रमिक की मांग अवैधानिक और अविवेकपूर्ण होने से निरस्त की जाती है। दोनों पक्ष इस प्रकरण का अपना-अपना अध्ययन बहन करें।

8. अवार्ड की प्रतियां नियमानुसार भारत सरकार, काम न्यायालय को भेजी जाती हैं।

डी. एन. मेहता, पोस्टमैन अधिकारी

नई दिल्ली, 20 नवम्बर, 1997

कां०अ० 3974.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेंट पोस्ट ऑफिस, डिपार्टमेंट ऑफ पोस्ट, नई दिल्ली के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं० एल-40012/108/94-आई आर (डीयू)]

के० वी० वी० उण्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. Post Office, D/o Post, New Delhi and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/108/94-IR (DU)]

K. V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 12/95

In the matter of dispute :

BETWEEN

Shrimati Basanti,
Quarter No. 355 Pandara Road,
New Delhi 110003

Versus

The Director of Posts,
Post Office,
Meghdoot Bhavan, Link Road,
New Delhi.

APPEARANCES :

Smt. Basanti in person.

Shri S. C. Mehta for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/108/94-IR. D.U. dated 29-12-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Sr. Superintendent Post Office, Deptt. of Post in terminating the services of Smt. Basanti from 11-19-93 is justified and legal? If not what relief the workman concerned is entitled to?"

2. The case was fixed for arguments when the representative for the management has brought to my notice a judgment of Hon'ble Supreme Court of India reported in 1996 LLR 483 in which it was held as follows :—

"Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation the management is covered under the judgment of the Hon'ble Supreme Court and as such is not an "Industry". The Industrial Disputes Act would not apply in this case. On this ground alone the reference made by the Government is dismissed as this court has got no jurisdiction. However, workman is at liberty to approach the appropriate authority for redressal of his grievance. The parties are left to bear their own costs.

10th November, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

कां०अ० 3975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस, देहरादून के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं० एल-40012/113/93-आई आर (डीयू)]

के० वी० वी० उण्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Office, Dehradun and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/113/93-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 105/94

In the matter of dispute :

BETWEEN

Shri Deep Chand Joshi,
S/o. Late Shri Madan Singh,
Village and P.O. Mundhol via Vauni,
Distt. Dehradun-248001.

Versus

Senior Superintendent of Post Offices,
20, Rajpur Road, Dehradun-248001.

APPEARANCES :

None—for the workman
Shri Rajeev Bansal—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/113/93-I.R. (D.U.) dated 30-9-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Post Office in terminating the services of Shri Deep Chand Joshi s/o late Shri Madan Singh (E.D.R.) w.e.f. 21-9-92 is legal and justified ? If not, to what relief the workman is entitled to ?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc, laid down the law regarding P & T department Telecommunication being not an 'Industry'. It was held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

10th Nov. 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

क.अ.अ. 3076.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार पर्यवेक्षण इन्जिनियर (सी) विभाग दिल्ली, नई दिल्ली के प्रबन्धक के लिये नियोक्ता और उनके काम-कारों के बीच, अन्तर्गत में निर्दिष्ट आद्योगिक विवाद में आद्योगिक अन्वेषण, नई दिल्ली के पचास को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. अ. 40012/183/91-अ.ई.अ. (डी.यू.)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 20th November. 1997

S.O. 3076.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Exe. Engineering (C), Civil Division, New Delhi and their workman, which was received by the Central Government on 20-11-97.

[No. L-40012/183/91-I.R.(D.U.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 56/92

In the matter of dispute :

BETWEEN

Shri Anil Kumar through the President,
All India P & T C.W.N.C.F.U.
T-16, Atul Grove Road, New Delhi.

Versus

Executive Engineer (C)
Telecom Civil Division G.O.I.
Atul Grove, New Delhi.

APPEARANCES :

None—for the workman.
Shri M. K. Sharma on behalf of Shri Anil Schgal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/183/91-I.R. (D.U.) dated 29-6-92 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Telecom Deptt. Civil Wing in terminating the services of Shri Anil Kumar Mazdoor w.e.f. 24-3-88 is justified ? If not, what relief he is entitled to ?"

2. The case was fixed for award when the representative for the management has brought to my notice a judgment of Hon'ble Supreme Court of India reported in 1996 LLR 483 in which it was held as follows :—

"Directive principle of State policy enjoin on the State diverse duties under Part IV of the Constitutional and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation the management is covered under the judgement of the Hon'ble Supreme Court and as such is not an "Industry". The Industrial Disputes Act would not apply in this case. On this ground alone the reference made by the Government is dismissed as this court has got no jurisdiction. However, workman is at liberty to approach the appropriate authority for redressal of his grievance. The parties are left to bear their own costs.

11th Nov., 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का०आ० 3077.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी० ई० टी० (रेलवे इलेक्ट्रिकेशन), नई दिल्ली के संबंधित के संबंधित नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं० एल-41011/6/91-डी-2 (बी)]

के० वी० वी० उज्ज्वी, ईन्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.E.T. (Rly. Electrification), New Delhi and their workman, which was received by the Central Government on 20-11-97.

[No. L-41011/6/91-D.2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

**BEFORE SHRI GANPATI SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL, NEW DELHI**

I.D. No. 86/91

In the matter of dispute :

BETWEEN

Shri Kesho Dev & Ors.

Versus

D.E.T. (Rly. Electrification),
New Delhi.

APPEARANCES :

None—for the workman

Shri M. K. Sharma on behalf of Shri Anil
Sehgal for the management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41011/6/91-D.2(B), dated 8-7-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of DET (RE), New Delhi in terminating the services of S/Shri Kesho Deo, Sukhbir Singh, Baboo Lal, Jawahar Lal, Pooran Singh, Rameshwar Singh, Mahabir Singh, Prem Singh, Shiv Charan, Netra-pal Singh, Raman Lal, Hardam Singh, Geetam Singh, Shashipal Singh, Jaipal Singh, Bani Singh, Sant Pal, Beerli Singh, Bhagwat Prasad, Bhatwat Singh, Ashok Kumar, Suresh Chandra, Shiv Prakash, Ram Prakash, Roop Singh and Umed Singh is justified ? If not, what relief they are entitled to ?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaidam and others s. Theyvam Jesph etc. laid down the law regarding P & T department Telecommunication being not an 'Industry'. It was held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

12th November, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का०आ० 3078.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार डी० ई० टी० (रेलवे इलेक्ट्रिकीकरण), नई दिल्ली के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं० एल-41011/8/91-आई आर (डी यू)]
के० वी० डी० उण्णी, डैस्क अधिकारी

New Delhi, the 20th November, 1997

S.O. 3078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.E.T. (Rly. Electrification), New Delhi and their workmen, which was received by the Central Government on 20-11-97.

[No. L-41011/8/91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 135/91

In the matter of dispute :

BETWEEN

S/Shri Bhola Ram,
Vijay Bahadur,
Ram Deo Verma,
Ram Naresh,
Bhagwan Singh,
Rushtam Singh,
Anant Ram and
Munna Lal through
The President,
I.N.T.U.C.,
U.P. Agra Distt. Samoti,
2/236, Namner,
Agra-282001.

Versus

Divisional Engineer,
Telecom,
Railway Electrification Project,
B-1/10, Community Centre,
Janakpuri,
New Delhi-110018.

APPEARANCES :

None for the workman.

Shri M. K. Sharma for Shri Anil Sehgal for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41011/8/91-IR(DU) dated 11-10-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the DET(RE), New Delhi in terminating the services of S/Shri Bhola Ram, Vijay Bahadur, Ram Deo Verma, Ram Naresh, Bhagwan Singh, Rustam Singh, Anant Ram and Munna Lal is justified? If not, to what relief the concerned workmen are entitled?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaidikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T department/Telecommunication being not an 'Industry'. It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under

section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

12th November, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का.आ. 3079.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी. ई. टी. (रेलवे इलेक्ट्रिफिकेशन), नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचायत की प्रस्तावित करती है, जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[सं. एल-41011/9/91-आई आर (डी. यू.)
के. वी. बी. उण्णी, डेस्क अधिकारी]

New Delhi, the 20th November, 1997

S.O. 3079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.E.T. (Rly. Electrification), New Delhi and their workmen, which was received by the Central Government on 20th November, 1997.

[No. L-41011/9/91-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESID-
ING OFFICER : CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 134/91

In the matter of dispute :

BETWEEN

Shri Than Singh S/o Shri Dori Lal and
Shri Ram Swaroop S/o Mangi Lal through
The President, I.N.T.U.C., U.P. Agra
Distt. Samoti, 2/236, Namner, Agra-282001.

Versus

Divisional Engineer,
Telecom Railway Electrification,
Project, B-1/10, Community Centre,
Janakpuri, New Delhi-110018.

APPEARANCES :

Shri M. K. Sharma on behalf of Shri Anil
Sehgal for the Management.
None for the workman.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41011/9/91-I.R.D.U. dated 11-10-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of DET (RE), New Delhi in terminating the services of S/Shri Than Singh, S/o Dori Lal and Ram Swaroop, S/o Mangi Lal is justified? If not, to what relief the concerned workmen entitled?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P&T department/Telecommunication being not an Industry. It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

12th November, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1997

का.आ. 3080.—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5A की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार केन्द्रीय न्यासी बोर्ड में श्री जे. ए. के. तारीन के स्थान पर श्री आर. कृष्णा स्वामी को सदस्य के रूप में नियुक्त करती है और 10 अप्रैल, 1997 को भारत के राजपत्र, प्रसाधरण, के भाग-2, खंड-3, उपखंड-2 में प्रकाशित भारत सरकार के श्रम मंत्रालय की दिनांक

10 अप्रैल, 1997 की अधिसूचना का.प्रा. संख्या 92(अ) में निम्नलिखित संशोधन करती है। उक्त अधिसूचना में क्रम संख्या-27 के सामने और इससे संबंधित प्रविष्टियों के लिये निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

श्री आर. कृष्णा स्वामी,
अतिरिक्त वित्त सलाहकार
भारतीय खाद्य निगम
16-20 बाराखम्बा लेन,
नई दिल्ली-110001

[सं.वी.-20012/1/95-एस.एस.-II]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 20th November, 1997

S.O. 3080.—In exercise of the powers conferred by sub-section (1) of section 5A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri R. Krishnaswamy as a member of the Central Board of Trustees in place of Shri J.A.K. Tareen and makes the following amendment in the Notification of the Government of India in the Ministry of Labour No. S. O. 321(E), dated the 10th April, 1997 published in Part-II, sub-section (ii) of the Gazette of India extraordinary dated 10th April, 1997.

2. In the said notification, against serial No. 27 and entries relating thereto, the following shall be inserted namely:—

Shri R. Krishnaswamy,
Additional Finance Adviser,
Food Corporation of India,
16-20, Barakhamba Lane,
New Delhi-110001.

[F. No. V-20012/1/95-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 20 नवम्बर, 1997

का.प्रा. 3081.—जबकि मैसर्स दि नेशनल इन्सूलेटिड केबल कंपनी प्राफ इंडिया लि. (निको कार्पोरेशन लि.), 1 और 2, हरे स्ट्रीट, कलकत्ता-1 (इसके प्रागे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो इससे अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (इसके प्रागे उक्त अधिनियम के नाम से निर्दिष्ट) की धारा 17 की उपधारा (1) के खंड (क) के अन्तर्गत छूट प्राप्त करने के लिये आवेदन किया है।

और जबकि केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिये तैयार किये गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके प्रागे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों का उपलब्ध है।

अतः, अब उक्त अधिनियम की धारा 17 की उपधारा (एक) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिये गये निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिये सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. और छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन सृजित उक्त स्कीम के अन्तर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से कर्मचारियों के लिये अधिक लाभकारी है उन पर अपने आप लागू किया जायेगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बगैर नहीं किया जायेगा। क्षेत्रीय भविष्य निधि आयुक्त अपनी अनुमति देने से पूर्व, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना की छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2(च) में निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाये जायेंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना की भविष्य निधि का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरन्त

सदस्य बनायेगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेख में सब्यों को अंतरित कराने और उनके लेख में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसा भी मामला हो, समय-समय पर दिये गये निर्देशों के अनुसार भविष्य निधि के प्रबन्ध के लिये नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगी जो अन्य बातों के साथ-साथ भविष्य निधि में आय के और भविष्य निधि में अदायगियों के उचित लेखों और उनकी अभिरक्षा में बकाया के लिये कर्मचारी भविष्य निधि संगठन के प्रति उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेगा और केन्द्र सरकार/केन्द्रीय भविष्य निधि आयुक्त या उसके द्वारा प्राधिकृत किसी अधिकारी द्वारा समय-समय पर जारी किये गये मार्ग निर्देशों के अनुसार कार्य करेगा।

10. न्यासी बोर्ड द्वारा रखे गये भविष्य निधि लेख अर्हता प्राप्त निष्पक्ष चार्टर्ड अकाउंटेंट द्वारा वार्षिक लेखा परीक्षा के अधीन होंगे। जहाँ आवश्यक समझा जाय। केन्द्रीय भविष्य निधि आयुक्त को किसी अन्य अर्हता प्राप्त लेखा परीक्षक द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकारी होगा और इस पर हुआ व्यय नियोक्ता द्वारा वहन किया जायेगा।

11. प्रत्येक वर्ष, स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जायेगी। इस प्रयोजन के लिये भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता, प्रतिमाह भविष्य निधि में उसके द्वारा अंशदान और कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिये समान परिस्थितियों में नियोक्ता नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिये गये निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियाँ न्यासी बोर्ड के नाम पर प्राप्त की जायेगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुसूचित बैंक की अभिरक्षा में रखी जायेगी।

14. सरकार के निर्देशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाये गये अधिभार के लिये उत्तरदायी होंगे।

15. न्यासी बोर्ड एक वस्तु-व्योरा रजिस्टर तैयार करेगा और व्यय की समय-समय पर वस्तु-व्योरा सुनिश्चित करेगा।

16. न्यासी बोर्ड प्रत्येक कर्मचारी के संयंत्र में जमा किये गये निफाले गये अंशदान और व्यय के संयंत्र में विस्तृत लेख रखेगा।

17. वित्तीय/व्यय वर्ष की समाप्ति के छः माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पास-बुक जारी कर सकता है। ये पास-बुक कर्मचारियों की अभिरक्षा में रखेगी और कर्मचारियों के द्वारा प्रस्तुत करने पर बोर्ड के द्वारा इसे अद्यतन किया जायेगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेख में व्यय उस दर से जमा किया जायेगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उस स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा भाषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा धोषित व्यय की दर, इस कारण से कि निर्देश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की चोरी के कारण, लूट-खसोट, ध्यानहीनता, ग़लत अथवा किसी अन्य कारण से हुई हानि को भी पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियाँ प्रस्तुत करेंगे जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की शर्तों पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जमा करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार 1-1-90 से पूर्व जब्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिये उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त को पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति के सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर समग्रहण की दर यदि सांविधिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अन्तर का वहन नियोक्ता द्वारा किया जायेगा।

25. नियोजता, भविष्य निधि के प्रशासन से संबंधित सभी खर्च जिसमें लेखों के रखरखाव, रिटर्न प्रस्तुत किये जाने, राशियों का अन्तरण शामिल है, वहन करेगा।

26. नियोजता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होना है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की चालू छूट को जारी रखने के लिये और शर्तें लगा सकता है।

28. यदि उक्त अधिनियम के अन्तर्गत भविष्य निधि अंशदान की दर बढ़ाई जाती है, तो कर्मचारों भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिये जाने वाले लाभों से स्थापना को स्कीम के अन्तर्गत दिये जाने वाले भविष्य निधि के लाभ कितना भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[सं. एस-35015/9/93-एस.एस.-II]

जे.पी. शुक्ला, अवसर सचिव

New Delhi, the 20th November, 1997

S.O. 3081.—Whereas M/s. The National Insulated Cable Co. of India Ltd. (NICCO Corporation Ltd.), 1 & 2, Hare Street, Calcutta-1. (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than benefits provided under the said Act or under the Employees, Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character.

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed

here to the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said Scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. The employer shall not however make any other amendment in its P. F. rules without the approval of Regional Provident Fund Commissioner. The Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 (f) of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Com-

missioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the provident fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government|Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest for any delay in payment as an unexempted establishment is liable in similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make investments as per directions of the Government shall make the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustee shall maintain a scriptwise register and ensure timely realisation of interest.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of accounts to every employee within six months of the close of financial|accounting year.

18. The Board may, instead of the annual statement of accounts, issue pass books to every employees. Those pass book shall remain in the custody of the employees and will be brought uptodate by the Board on presentation by the employees.

19. The accounts of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason than the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government|Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees' contribution in cases where an

employee ceases to be a member of the fund on the lines of para 89 of the said Scheme, the Board of Trustees shall maintain a separate account of the amount so forfeited prior to 1-1-90 utilise by the B.O.T. for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of forfeiture etc., under the P. F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the provident fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended there to alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The appropriate, Government may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015/9/93-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 21 नवम्बर, 1997

का.आ. 3082.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि खनिज तेल (कच्चा तेल) मोटर और विमानन स्प्रिट, डीजल तेल, मिट्टी का तेल, ईंधन तेल, विविध हार्डड्रॉजन तेल और उनके मिश्रण, जिनमें सिन्थेटिक ईंधन, स्टेल्क तेल और इसी प्रकार के तेल शामिल हैं, के निर्माण का उत्पादन में लगे उद्योग में सेवाओं को औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 26 में शामिल हैं, उक्त अधिनियम के प्रावधानों के नये लोकोपयोगी सेवा घोषित किया जाना चाहिये।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रावधानों के लिये तत्काल प्रभाव से छह मास की कालावधि के लिये लोकोपयोगी सेवा घोषित करती है।

[संख्या एस-11017/6/97-आई.आर. (पीएल)]

एच.सी. गुप्ता, अवर सचिव

New Delhi, the 21st November, 1997

S.O. 3082.—Whereas the Central Government is satisfied that the public interest requires that the Industry engaged in the manufacture of production of Mineral Oil (Crude Oil), Motor and Aviation, Spirit, Diesel Oil, Kerosene Oil, Fuel Oil, Diverse Hydrocarbon and their blends including Synthetic Fuels, Lubricating Oils and the like which is covered by item 26 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/6/97-IR(PL)]

H. C. GUPTA, Under Secy.